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NOUVEAU

RECUEIL GÉNÉRAL

DE

TRAITÉS

ET

AUTRES ACTES RELATIFS AUX RAPPORTS DE DROIT INTERNATIONAL.

CONTINUATION DU GRAND RECUEIL

DE

G. FR. DE MARTENS

PAR

Felix Stoerk
Professeur de droit public à l'Université de Greifswald.
Membre de l'Institut de droit international.

DEUXIÈME SÉRIE.

TOME XXII.

LEIPZIG
LIBRAIRIE DIETERICH
THEODOR WEICHER
1897.

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PREMIÈRE LIVRAISON.

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1.

PAYS-BAS.

Loi du 18 avril 1874 concernant les Droits Consulaires; modifiée par les lois du 14 avril 1890 et du 15 août 1892.

Publication officielle communiquée à la Rédaction du Recueil Martens par le Ministère des Affaires étrangères des Pays-Bas.

Au nom de Sa Majesté Wilhelmina, par la Grâce de Dieu, Reine des Pays-Bas, Princesse d'Orange-Nassau etc., etc., etc.

Nous Emma, Reine Régente du Royaume.

A tous ceux qui les présentes verront, salut! savoir faisons:

Ayant pris en considération que la matière des Droits Consulaires demande à être revisée et règlée par la Loi;

Nous avons, le Conseil d'Etat entendu, et de commun accord avec les Etats-Généraux, ordonné, et Nous ordonnons ce qui suit:

Art. 1. — Les fonctionnaires consulaires porteront en compte aux capitaines de navires pour l'expédition d'un bâtiment, comprenant l'ensemble des formalités à remplir à l'arrivée et au départ du navire, le rapport mentionné à l'art. 379 du Code de Commerce, le visa des papiers de bord, la délivrance et le cas échéant le visa d'une patente de santé et des manifestes d'entrée et de sortie, une somme de f 2.50, lorsque les navires auront une capacité nette de plus de 300 M³., et une somme de f 1.—, lorsque les navires auront une capacité nette moindre, de telle sorte que les navires, qui ne mesurent pas plus de 170 M³. nets, seront exempts du paiement de tout droit et qu'un même navire n'aura pas à payer plus de f 25 par année dans le même port.

Art. 2. — Sont exempts du paiement de ce droit les bâtiments, naviguant directement des ports des Pays-Bas sur les rivières de l'Ems, du Rhin, de la Meuse et de l'Escaut avec leurs affluents, ainsi que sur les canaux entre les Pays-Bas et l'Allemagne et la Belgique, et vice versa.

Art. 3. — Nos fonctionnaires consulaires porteront en compte pour:

a. un permis temporaire de porter le pavillon Néerlandais, conformément à l'Art 12 de la Loi du 28 Mai 1869 (J. O. n°. 96),*)

délivré la première fois . . . . . *f* 10.00

en cas de renouvellement 5.00

b. mouvement sur le rôle d'équipage par marin embarqué ou débarqué 1.50

c. nouveau rôle d'équipage 1.00

d. intervention pour la recherche et l'arrestation des déserteurs de navires marchands, par tête 2.50

e. assistance à l'occasion d'un sinistre, pour sauver le navire et l'équipage et mettre la cargaison en sûreté (indépendamment des frais de voyage) par jour 10.00

f. le rapport, mentionné à l'art. 383 Code de Commerce . 10.00

et pour chaque page d'écriture d'au moins vingt lignes . . 1.00

g. arrêté ou ordonnance consulaire en matière maritime, comme: nomination et prestation de serment d'experts, autorisation pour faire des réparations, pour contracter un emprunt à la grosse, ou pour la vente du total ou d'une partie de la cargaison 5.00

h. certificat d'origine, et autres certificats ou déclarations du même genre 2.50

Art. 4. — En outre Nos fonctionnaires consulaires porteront en compte pour:

a. tout acte dressé sous la foi du serment, ou procès-verbal, dans les cas non prévus par le présent Tarif:

par document ou par page, d'au moins vingt lignes . . . *f* 2.00

b. apposition ou levée de scellés, inventaire, assistance prêtée en cas de vente publique:

par vacation de trois heures, ou moins de trois heures . . 4.—

chaque heure en sus 1.00

c. dépôt, conservation et transmission d'effets et de monnaie, provenant de successions vacantes . . . . . 2% de la valeur.

d. passeport . . . . . *f* 5.00

(gratis pour les marins et les indigents)

e. visa d'un passeport . . . . . *f* 2.50

(gratis pour les indigents.)

f. certificat de vie 1.00

(gratis pour les indigents.)

g. légalisation 1.00

(gratis pour les indigents.)

La légalisation de plusieurs signatures sur la même pièce sera comptée pour une seule légalisation.

h. Copie certifiée de documents quelconques,

par document ou par page d'au moins 20 lignes 1.00

i. traduction certifiée de documents quelconques:

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*) Les permis temporaires de porter le pavillon Néerlandais ne peuvent être délivrés que par les fonctionnaires consulaires, qui y ont été spécialement autorisés. (Cf. art. 12 de la Loi du 28 Mai 1869 J. O. n°. 96. Instructions Consulaires p. 133.)

par document ou page d'au moins 20 lignes 2.00

Art. 5. — Nos fonctionnaires consulaires sont autorisés à exiger le paiement anticipé des taxes, à percevoir en vertu de la presente Loi.

Ils remettront aux intéressés une quittance signée et détaillée des montants perçus.

Tout document sujet à des droits consulaires, énoncera le montant perçu, ainsi que l'article et le paragraphe de la présente loi, qui s'y rapportent.

Art. 6. — Les fonctionnaires consulaires rétribués, qui seront nommés par Nous après l'entrée en vigueur de la présente Loi, auront à rendre compte à Notre Ministre des Affaires Etrangères, de la manière à déterminer par Nous, des droits consulaires perçus en vertu de cette Loi, et dont le montant sera versé au Trésor.

Les autres fonctionnaires consulaires prélèveront à leur profit les taxes prescrites par cette Loi *).

Art. 7. — La présente Loi entrera en vigueur à une date à fixer par Nous. (L'arrêté royal du 21 Juillet 1874 (J. O. n°. 111) fixa l'entrée en vigueur de la loi au 1er Janvier 1875.)

Mandons et ordonnons que la présente Loi sera insérée au Journal Officiel, et que tous les Départements ministériels, autorités, collèges et fonctionnaires, que la chose concerne, veilleront à sa stricte exécution.

Donné à Soestdijk, le 15 Août 1892.

Emma.

Le Ministre des Affaires Etrangères,
Van Tienhoven.

2.

PEROU, CHINE.

Traité d'amitié et de commerce suivi d'un arrangement spécial; signés à Tientsin le 26 juin 1874.**)

Republica del Perù. Ricardo Aranda, Coleccion de los Tratados, T. IV. Publicacion Oficial del Ministerio de Relaciones Exteriores. Lima 1893.

Treaty of Friendship, Commerce and Navigation.

His Excellency the President of the Republic of Peru and His Majesty the Emperor of China, being sincerely desirous to establish friendly relations between the two countries, have resolved to confirm the same by a Treaty

*) Voir l'art. 26 du règlement consulaire.
**) Les ratifications ont été échangées le 7 août 1875.

of Friendship, Commerce and Navigation with the view of laying the foundations of mutual intercourse; and for that purpose, have named as their Plenipotentiaries, that is to say:

His Excellency the President of Peru, D. Aurelio Garcia y Garcia, a Post-Captain in the Peruvian Navy, Envoy Extraordinary and Minister Plenipotentiary of that Republic for the Empires of China and Japan; and

His Majesty the Emperor of China, Li, Minister Plenipotentiary, Imperial Commissioner, Grand Guardian of the Heir Apparent, Grand Secretary, a President of the Board of War, Governor General of the Province of Chih-li and invested with the dignity of the 2nd. orden of nobility;

Who, after having examined and exchanged their respective full powers, have together agreed upon the following Treaty for the benefit and protection of the merchants and people of the two countries:

Art. 1. — There shall be peace and friendship between the Republic of Peru and His Majesty the Emperor of China. Their respective citizens and subjects shall reciprocally enjoy in the territories of the High Contracting Parties full and perfect protection for their persons and property.

Art. 2. — In order to facilitate friendly intercourse in future, His Excellency the President of Peru may, if he see fit, appoint a Diplomatic Agent to the court of Peking, and His Majesty the Emperor of China may, in like manner, if he see fit, appoint a Diplomatic Agent to the Government of Peru.

His Majesty the Emperor of China hereby agrees that the Diplomatic Agent so appointed by the Government of Peru may, with his family and the persons of his suite permanently reside at Peking or may visit it occasionally, at the option of the Peruvian Government.

In like manner, the Diplomatic Agent of China may, with his family and the persons of his suite permanently reside at Lima, or may visit it occasionally at the option of the Chinese Government.

Art. 3. — The Diplomatic Agent of each of the Contracting Parties shall at their respective residences enjoy all privileges and immunities accorded to them by International Usages.

Art. 4. — The Government of Peru may appoint a Consul General, and for such open ports or cities of China where it may be considered most expedient for the interest of Peruvian commerce, Consuls, Vice-Consuls or Consular Agents. These Officers shall be treated with due respect by the Chinese Authorities, and enjoy the same privileges and immunities as the Consular Officers of the most favoured Nation.

His Majesty the Emperor of China, may appoint a Consul General, Consuls, Vice-Consuls or Consular Agents at any port or town of Peru where Consular Officers of any other Power are admitted to reside. All of these Officers shall enjoy the same rights and privileges as those of the most favoured Nation in Peru.

It is further agreed that the appointment of the said Consular Officers shall not be made in merchants residing in the locality.

Art. 5. — Peruvian citizens are at liberty to travel for their pleasure or for purposes of trade in all parts of China under express condition of being provided with passports written in Spanish and Chinese, issued in

due form by the Consuls of Peru and vised by the Chinese Authorities. These passports, if demanded, must be produced for examination in the localities passed through. If the passport be not irregular, the bearer will be allowed to proceed, and no opposition shall be offered to his hiring persons or hiring vessels or carts for the carriage of his baggage or merchandise and the said merchandise shall be conveyed in accordance with the General Regulations of Foreign Trade.

If the traveller be without a passport, he shall be handed over to the nearest Consul in order to enable him to procure one. The above provision will in like manner be applicable to cases of a Peruvian citizen committing any offence against the law of China. But he shall in no case be subjected by the Chinese Authorities to any kind of ill-treatment or insult.

The citizens of Peru may go on excursions from the open ports or cities to a distance not exceeding 100 li and for a period not exceeding five days without being provided with a passport.

The above provisions do not apply to the crews of ships, who, when on shore, shall be subject to the disciplinary regulations drawn up by the Consul and the local Authorities.

Chinese subjects shall have the liberty to travel at their pleasure throughout the territory of Peru, as long as they behave peaceably and commit no offence against the laws and regulations of the Country.

Art. 6. — The Republic of Peru and the Empire of China cordially recognize the inherent and inalienable right of man to change his home. Their citizens and subjects respectively may consequently go freely from the one country to the other for the purposes of curiosity, trade, labour or as permanent residents. The High Contracting Parties therefore, agree that the citizens and subjects of both countries shall only emigrate with their free and voluntary consent; and join in reprobating any other than an entirely voluntary emigration for the said purposes, and every act of violence or fraud that may be employed in Macao or the ports of China to carry away Chinese subjects. The Contracting Parties likewise pledge themselves to punish severely, according to their laws their respective citizens and subjects who may violate the present Stipulations, and also to proceed judicially against their respective ships that may be employed in such unlawful operations, imposing the fines which for such cases are established by their laws.

Art. 7. — It is further agreed, that for the better understanding and more efficient protection of the Chinese subjects who reside in Peru, the Peruvian Government will appoint official interpreters of the Chinese language in the Prefectures of the Departments of Peru where the great centres of Chinese Immigration exist.

Art. 8. — The merchant ships belonging to Peruvian citizens shall be permitted to frequent all the ports of China open to foreign trade, and to proceed to and from at pleasure with their merchandise, enjoying the same rights and privileges as those of the most favoured Nation.

In like manner the merchant-ships belonging to Chinese subjects may visit all the ports of Peru open to foreign commerce and trade in them,

enjoying the same rights and privileges which in Peru are granted to the citizens or subjects of the most favoured Nation.

Art. 9. — Peruvian citizens shall pay at the ports of China open to foreign trade on all the goods imported or exported by them, the duties enumerated in the tariff which is now in force for the regulation of foreign commerce; but they can, in no case be called to pay higher or other duties than those required now or in future of the citizens or subjects of the most favoured Nation.

Non other or higher duties shall be imposed in the ports of Peru on all goods imported or exported by Chinese subjects, than those which are or may be imposed in Peru on the commerce of the most favoured Nation.

Art. 10. — The ships of War of each country respectively shall be at liberty to visit all the ports within the territories of the other, to which the ships of war of other Nations are or may be permitted to come. They shall enjoy every facility and meet no obstacle in purchasing provisions, coals, procuring water and making necessary repairs. Such ships shall not be liable to the payment of duties of any kind.

Art. 11. — Any Peruvian vessels, being from extraordinary causes compelled to seek a place of refuge, shall be permitted to enter any Chinese port whatever, without being subject to the payment of tonnage dues or duties on the goods, if only landed for the purpose of making the necessary repairs of the vessel, and remaining under the supervision of the Superintendent of the Customs.

Should any such vessel be wrecked or stranded, the Chinese Authorities shall immediately adopt measures for rescuing the crew and for securing the vessel and cargo. The crew thus saved, shall receive friendly treatment, and if necessary, shall be furnished with the means of conveyance to the nearest Consular Station.

If any Chinese vessels be wrecked or compelled by stress of weather to seek a place of refuge in the coasts of Peru, the local maritime Authorities shall render to them every assistance in their power; the goods and merchandise saved from the wreck, shall not be subject to duties unless cleared for consumption; and the ships shall enjoy the same liberties which in equal cases are granted in Peru to the ships of other Nations.

Art. 12. — Peruvian citizens in China having reason to complain of a Chinese, shall proceed at once to their Consular Officer and state to him their grievance. The Consul will inquire into the case and do his utmost to arrange it amicably.

In like manner, if a Chinese have reason to complain of a Peruvian citizen in China, the Consular Officer shall listen to his complaint, and endeavour to come to a friendly arrangement.

Should the Consular Officer not succeed in making such an arrangement, then he shall request the assistance of the competent Chinese Officer, that they may together decide the matter according to the principles of equity.

Art. 13. — Chinese subjects guilty of a criminal action towards a Peruvian citizen in China, shall be arrested and punished by the Chinese Authorities, according to Chinese laws.

Peruvian citizens in China who commit may any crime against a

Chinese subject, shall be arrested and punished according to the laws of Peru, by the Peruvian Consular Officer.

Art. 14. — All questions in regard to rights whether of property or person, arising between Peruvian citizens in China, shall be subject to the jurisdiction of the Peruvian Authorities. Disputes between citizens of Peru and those of other foreign Nations, shall be decided in China, according to the Treaties existing betweenPeru and those foreign Nations. In all cases, however, of Chinese subjects being concerned in the matter, the Chinese Authorities may interfere in the proceeding according to Articles 12 and 13 of this Treaty.

Art. 15. — Chinese subjects in Peru shall have free and open access to the Courts of Justice of Peru for the prosecution and defence of their just rights; they shall enjoy in this respect the same rights and privileges as native citizens, and shall also be treated in every way, like the citizens and subjects of other countries resident in Peru.

Art. 16. — The Contracting Parties agree, that the Government, Public Officers and citizens of the Republic of Peru shall fully and equally participate in all privileges, rights, immunities, jurisdiction and advantages that may have been, or may be hereafter, granted by His Majesty the Emperor of China, to the Government, Public Officers, citizens or subjects of any other Nation.

In like manner, the Government, Public Officers and subjects of the Empire of China, shall enjoy in Peru all the rights, privileges, immunities and advantages of every kind which in Peru are enjoyed by the Government, Public Officers, citizens or subjects of the most favoured Nation.

Art. 17. — In order to prevent for the future any discussion, and considering that the English language, among all foreign languages is the most generally known in China, this Treaty is written in the Spanish, Chinese and English languages, and signed in nine copies, three in each language. All these versions have the same sense and signification, but whenever the interpretation of the Spanish and Chinese versions may differ, then reference shall be made to the English text.

Art. 18. — If in future the High Contracting Parties desire a modification of any stipulation contained in this Treaty, they shall be at liberty after the lapse of ten years dated from the day of the exchange of the ratifications of this Treaty, to open negotiations to that effect. Six months before the expiration of the ten years, either of the Contracting Parties may officially notify to the other, that modifications of the Treaty are desired, and in what these consist. If no such notification is made, the Treaty remains in force for another ten years.

Art. 19. — The Present Treaty shall be ratified by His Excellency the President of Peru after being approved by the Peruvian Congress, and by his Majesty the Emperor of China; and the ratifications shall be exchanged at Shanghai or Tientsin, as soon as possible.

In token whereof the respective, Plenipotentiaries have signed and sealed this Treaty.

Done at Tientsin, this twenty sixth day af the month of June in the

year of the Lord One Thousand, Eight Hundred and Seventy Four, corresponding to the Chinese date, the thirteenth day of the fifth moon of the thirteenth year of Tung Chi.

Aurelio Garcia y Garcia. (L. S.)

Li-Hung-Chang. (L. S.)

Special Agreement.

The Undersigned Aurelio Garcia y Garcia, a Post-Captain in the Peruvian Navy, Envoy Extraordinary and Minister Plenipotentiary of the Republic of Peru for the Empires of China and Japan, and

Li, Minister Plenipotentiary of His Majesty the Emperor of China, Imperial Commissioner, Grand Guardian of the Heir Apparent, Grand Secretary, a President of the Board of War, Governor General of the Province of Chih-li, and invested with the dignity of the 2nd order of nobility.

Have concluded the following Special Agreement.

In as much as at present, Chinese are known to be residing in great numbers within the territory of Peru, and in view of the representations that have been made to the effect that some of these are suffering grievances, now then the respective Plenipotentiaries, being desirous of establishing amicable relations between the two countries, agree, on the one hand, that a Treaty of Friendship, Commerce and mutual intercourse shall be concluded, and, on the other, that with the view of establishing a thorough friendly understanding, the Chinese Government shall send a Commission to Peru.

The said Commission shall institute a thorough investigation into the condition of the Chinese immigrants in all parts of Peru, to whom they shall make known the objects in view by means of public notifications.

The Government of Peru on their side will give the fullest possible assistance to the Commission in the fulfillment of its duties and will treat it with all due courtesy.

On the arrival of the Commission in Peru, the Peruvian Government will order all local or provincial Authorities to give to the Commission all the assistance in their power for the performance of its duties.

In case it should be ascertained that Chinese immigrants whose contracts have not expired, be their numbers what they may, are actually suffering ill-treatment, it is now agreed that the Commission shall communicate the particulars concerning them to the local Authorities. In case the employers of such Chinese immigrants decline to acknowledge the ill-treatment, the local authorities shall then send the complaints in question before the Tribunals for judicial inquiry and decision.

If the immigrants in any case, be dissatisfied with the decision of the primary judge, it shall be open to the aggrieved parties forthwith to appeal to the higher Courts of Justice of Peru for further investigation.

The Chinese immigrants will be placed on a footing of equality as

regards legal procedure with that enjoyed by the subjects of the most favoured Nation residing in Peru.

From the date of the ratification of this Special Agreement by the Peruvian Government, the said Government will compel the employers of Chinese immigrants whose contracts have expired, and in which it may have been stipulated that they shall be sent back to China, to provide them with passages back to their native country if they be desirous of returning to China.

In the case of Chinese immigrants in whose contracts no stipulation is made for the return passage on the expiry of the contracts, and provided that the immigrants shall express a wish to return to China, but shall be without the means of providing their own passage, the Peruvian Government will cause them to be repatriated gratuitously in the ships which leave Peru for China.

The present Agreement is written and signed in six copies viz: two in Spanish, two in Chinese and two in English. All these versions have the same meaning and intention.

The present Agreement shall be ratified by His Excellency the President of the Republic of Peru, after being approved by the Peruvian Congress, and by His Majesty the Emperor of China; and the ratifications shall be exchanged at Shanghai or Tientsin.

In token whereof the respective Plenipotentiaries have signed and sealed this Agreement.

Done at Tientsin this twenty sixth day of the month of June in the year of the Lord, One Thousand Eight Hundred and Seventy Four, corresponding to the Chinese date the thirteenth day of the fifth moon of the thirteenth year of Tung-Chi.

Aurelio Garcia y Garcia. (L. S.) *Li-Hung-Chang.* (L. S.)

3.

PAYS-BAS.

Loi sur l'extradition du 6 avril 1875.

Traduction annexée au projet du traité d'extradition conclu par l'Allemagne et les Pays-Bas le 31 décembre 1896, présenté au Reichstag de l'Empire.

Staatsblatt des Königreichs der Niederlande.

(Nr. 66.) Gesetz vom 6. April 1875 zur Regelung der allgemeinen Bedingungen, unter denen mit fremden Mächten Verträge über die Auslieferung von Ausländern geschlossen werden können.

Wir, Wilhelm III., von Gottes Gnaden König der Niederlande, Prinz von Oranien-Nassau, Grossherzog von Luxemburg, u. s. w.
entbieten Allen, die dieses sehen oder lesen hören, Gruss und thuen zu wissen:

Nachdem Wir in Erwägung genommen haben, dass es wünschenswerth ist, zur Ausführung von Artikel 3 des Grundgesetzes unter Aufhebung der Bestimmungen über die Auslieferung in dem Gesetze vom 13. August 1849 (Staatsblatt Nr. 39) die allgemeinen Bedingungen näher zu regeln, unter denen mit fremden Mächten Verträge über die Auslieferung von Ausländern geschlossen werden können,

So haben Wir, nach Anhörung des Staatsraths und mit Zustimmung der General-Staaten genehmigt und verordnet, gleichwie Wir hierdurch genehmigen und verordnen:

Art. 1. — Die Artikel 16, 17 und 18 des Gesetzes vom 13. August 1849 (Staatsblatt No. 39) werden aufgehoben.

Über die Auslieferung von Ausländern werden nur unter Beachtung der Bestimmungen dieses Gesetzes neue Verträge geschlossen oder bestehende erneuert.

Art. 2. — Ausländer werden nur wegen folgender ausserhalb des Reichs begangener Strafthaten ausgeliefert:

1. Angriff auf das Leben des Landesherren, von Mitgliedern des landesherrlichen Hauses oder des Oberhauptes einer Republik;
2. Todtschlag, Mord, Elternmord, Kindesmord, Vergiftung;
3. Drohungen, strafbar nach Artikel 305 des Strafgesetzbuchs;
4. vorsätzliche Herbeiführung der Fehlgeburt bei einer Schwangeren, sei es durch sie selbst oder durch einen Anderen;
5. vorsätzliche Verwundungen, sowie Schläge oder Stösse, die eine Krankheit oder Arbeitsunfähigkeit von mehr als zwanzig Tagen zur Folge haben oder mit Vorbedacht beigebracht worden sind;
6. Nothzucht oder sonstige mit Gewalt begangene unzüchtige Handlungen;
7. Vergehen gegen die Sittlichkeit, strafbar nach Artikel 334 des Strafgesetzbuchs;
8. mehrfache Ehe;
9. Entziehung oder Entführung, Verheimlichung, Unterdrückung oder Unterschiebung eines Kindes;
10. Entziehung oder Entführung einer minderjährigen Person;
11. Nachmachung, Fälschung, Verstümmelung oder äusserliche Beschädigung von Metallgeld oder die wissentliche Inumlaufsetzung von nachgemachtem, gefälschtem, verstümmeltem oder äusserlich beschädigtem Metallgelde;
12. die nach Artikel 139 bis einschliesslich 143 des Strafgesetzbuchs strafbare Fälschung von Staatssiegeln, Banknoten, öffentlichen Schuldbriefen oder Werthpapieren, sowie von Stempeln für Gold- und Silberwaaren, Papierstempeln, Aichungs- und ähnlichen Stempelzeichen; Fälschung von Papiergeld und Briefmarken;
13. Urkundenfälschung, strafbar nach den Artikeln 145 bis einschliesslich 148, 150 und 151 des Strafgesetzbuchs;
14. falsches Zeugniss, Bestechung von Zeugen, Meineid;
15. Bestechung öffentlicher Beamten, strafbar nach Artikel 177 bis einschliesslich 179 und 181 bis einschliesslich 183 des Strafgesetzbuchs,

Erpressung, Unterschlagung oder Entwendung durch Beamte, die mit Empfang oder Aufbewahrung beauftragt sind;

16. vorsätzliche Brandstiftung, strafbar nach Artikel 434 und 435 des Strafgesetzbuchs;
17. vorsätzliche Zerstörung unbeweglicher Sachen, strafbar nach Artikel 437 des Strafgesetzbuchs;
18. Raub von beweglichen Sachen, strafbar nach Artikel 440 und 442 des Strafgesetzbuchs;
19. widerrechtliche und vorsätzliche Bewirkung des Sinkens oder Strandens, Zerstörung oder Unbrauchbarmachung von Schiffen und anderen Fahrzeugen;
20. Meuterei und Widersetzlichkeit von Passagieren gegen den Schiffsführer, sowie der Schiffsmannschaft gegen ihre Vorgesetzten;
21. vorsätzliche Gefährdung eines Eisenbahnzugs;
22. Diebstahl;
23. Betrug;
24. Missbrauch einer Blanko-Unterschrift;
25. zum Schaden des Eigenthümers, Besitzers oder Inhabers begangene Unterschlagung oder Verbringung von Sachen, Geldern oder Werthpapieren, die zur Aufbewahrung übergeben oder für eine zu bezahlende Arbeit anvertraut worden sind;
26. betrügerischer Bankerutt.

Art. 3. — Die Auslieferung kann nicht nur wegen der begangenen Strafthat stattfinden, sondern auch wegen Versuchs dazu oder Theilnahme daran, insofern dieser Versuch oder diese Theilnahme auch hierzulande strafbar ist.

Art. 4. — Die Auslieferung wird nicht bewilligt, solange der Ausländer wegen der ausserhalb des Reichs verübten Strafthat hierzulande verfolgt wird, oder wenn er deswegen hierzulande in gerichtlicher Untersuchung gewesen und entweder verurtheilt oder ausser Verfolgung gesetzt oder freigesprochen worden ist.

Art. 5. — Die Auslieferung wird nicht bewilligt, wegen Strafthaten, bei denen die Verfolgung oder die erkannte Strafe vor der Festnahme hierzulande oder, wenn noch keine Festnahme stattgefunden hat, vor der Vorladung zur gerichtlichen Vernehmung nach der Niederländischen Gesetzgebung verjährt ist.

Art. 6. — Wenn der Ausländer wegen einer anderen Strafthat, als wegen deren seine Auslieferung beantragt wird, hierzulande verfolgt wird oder eine Strafe verbüsst, so kann die Auslieferung nicht bewilligt werden, als bis nach Beendigung der hierzulande anhängigen Verfolgung und bis er die ihm zuerkannte Strafe verbüsst hat oder ihm Begnadigung dafür zu Theil geworden ist.

Diese Bestimmung verhindert nicht, dass der Ausländer, um in dem fremden Staate vor Gericht gestellt zu werden, zeitweilig ausgeliefert werde, unter der Bedingung, dass er nach Beendigung der Untersuchung zurückgeführt wird.

Art. 7. — Die Auslieferung wird nur unter der Bedingung bewilligt, dass der Ausgelieferte wegen einer in dem Vertrage nicht genannten, vor seiner Auslieferung begangenen Strafthat nur verfolgt oder bestraft werden darf, wenn er nach seiner Auslieferung einen Monat lang die Freiheit gehabt hat, das Land zu verlassen.

Art. 8. — Die Auslieferung wird auf diplomatischem Wege beantragt.

Sie wird nur bewilligt nach einem Gutachten des Gerichtshofs, in dessen Bezirke die beanspruchte Person festgenommen worden ist oder sich befindet.

Der Gerichtshof entscheidet bei Abgabe seines Gutachtens, welche der mit Beschlag belegten Sachen im Falle der Auslieferung an die beanspruchte Person zurückgegeben und welche als Ueberführungsstücke verabfolgt werden sollen.

Art. 9. — In Erwartung des Antrags auf diplomatischem Wege kann der Ausländer, dessen Auslieferung beantragt werden kann, auf Anordnung eines Staatsanwaltes oder eines Hülfsbeamten der Staatsanwaltschaft vorläufig festgenommen werden auf den Antrag der Behörde, die in dem fremden Staate zur vorläufigen Festnahme befugt und als solche in dem Vertrage bezeichnet ist.

Die an und bei ihm befindlichen Sachen können mit Beschlag belegt werden.

Geschieht die Festnahme auf Anordnung eines Hülfsbeamten der Staatsanwaltschaft, so stellt dieser den Festgenommenen sofort zur Verfügung des Staatsanwalts.

Art. 10. — Der Staatsanwalt kann, nachdem er den Festgenommenen vernommen hat, einen Befehl zur vorläufigen Festhaltung gegen ihn erlassen, der dem Festgenommenen innerhalb zweimal vierundzwanzig Stunden zugestellt wird.

Der Staatsanwalt befiehlt die sofortige Freilassung der Festgenommenen — es sei denn, dass dieser aus anderem Anlass in Haft bleiben muss — und die Zurückgabe der mit Beschlag belegten Sachen — es sei denn, dass aus anderem Anlasse Gründe für die Zurückbehaltung vorhanden sind —, Eines wie das Andere, wenn ihm nicht ein Auslieferungsantrag mit den dazu erforderlichen Schriftstücken mitgetheilt ist innerhalb einer in dem Vertrage zu bestimmenden Frist von nicht mehr als:

1. zwanzig Tagen nach dem Datum des Festhaltungsbefehls, wenn der Antrag auf Festnahme im Namen einer Europäischen Regierung gestellt ist;
2. drei Monaten nach diesem Datum, wenn er im Namen einer nicht Europäischen Regierung gestellt ist.

Erfolgt der Auslieferungsantrag innerhalb der festgesetzten Frist, so wird weiter verfahren nach Massgabe des in den Artikeln 13 bis einschliesslich 18 Bestimmten.

Art. 11. — Mit dem von der fremden Regierung gestellten Auslieferungsantrage muss in Urschrift oder in beglaubigter Abschrift vorgelegt werden: entweder das verurtheilende Erkenntniss oder der Beschluss auf Versetzung in Anklagezustand oder auf Eröffnung der Voruntersuchung mit Haftbefehl

oder ein in dem fremden Staate gebräuchliches, dem gleich zu achtendes und als solches in dem Vertrage bezeichnetes Schriftstück.

Art. 12. — Ausländer, deren Auslieferung kraft Vertrags beantragt wird, können, sofern es nicht bereits geschehen ist, festgenommen werden.

Der Festnahmebefehl muss ihnen innerhalb zweimal vierundzwanzig Stunden zugestellt werden.

Die an und bei ihnen befindlichen Sachen können mit Beschlag belegt werden.

Innerhalb vierundzwanzig Stunden nach der Festnahme wird davon dem Staatsanwalte bei dem Gerichtshofe, in dessen Bezirke sie stattgefunden hat, Kenntniss gegeben.

Art. 13. — Der Staatsanwalt stellt innerhalb dreier Tage nach der Festnahme und, wenn diese noch nicht stattgefunden hat oder bereits vor dem Antrag erfolgt ist, innerhalb dreier Tage nach Empfang eines dahin gehenden Anschreibens das Ersuchen, dass die beanspruchte Person durch den Gerichtshof vernommen werde und dieser sein Gutachten über die Bewilligung oder Nichtbewilligung der beantragten Auslieferung abgebe.

Art. 14. — Die Vernehmung geschieht öffentlich, es sei denn, dass die beanspruchte Person die Verhandlung der Sache unter Ausschluss der Oeffentlichkeit verlangt oder der Gerichtshof aus wichtigen, in dem Sitzungsprotokoll anzugebenden Gründen befiehlt, dass die Vernehmung ganz oder theilweise mit Ausschluss der Oeffentlichkeit stattfinden soll.

Die Vernehmung findet in Gegenwart der Staatsanwaltschaft statt.

Die beanspruchte Person ist befugt, sich eines Rechtsbeistandes zu bedienen. Zum Rechtsbeistande kann Jeder gewählt werden, der befugt ist, vor dem Strafrichter zur Vertheidigung Angeklagter aufzutreten.

Art. 15. — Innerhalb vierzehn Tagen nach der Vernehmung sendet der Gerichtshof sein Gutachten und seine Entscheidung, wie sie im Artikel 8 vorgesehen sind, mit den zur Sache gehörigen Schriftstücken an Unseren Justizminister.

Art. 16. — Die vorläufig festgenommene oder beanspruchte Person, die geltend machen möchte, dass sie Niederländer und dieses Gesetz aus diesem Grunde auf sie nicht anwendbar ist, kann dies, aber nicht später als am vierzehnten Tage nach ihrer gerichtlichen Vernehmung, in einem der Entscheidung des Hohen Rathes (höchsten Gerichts) zu unterbreitendem Gesuche geltend machen.

Sie wird so bald als möglich nach ihrer Festnahme von dem Staatsanwalte mit dieser Befugniss bekannt gemacht und daran bei ihrer Vernehmung vor dem Gerichtshof erinnert, unter der Mittheilung, dass sie sich dieserhalb mit einem Rechtsbeistande benehmen kann.

Der Gerichtsschreiber des Hohen Rathes giebt Unserem Justizminister von dem Eingange des Gesuchs sofort Kenntniss.

Art. 17. — Der Hohe Rath erlässt seinen Spruch nach Anhörung des General-Staatsanwalts.

Entscheidet der Hohe Rath, dass der Gesuchsteller Niederländer ist, so befiehlt der Rath, wenn dieser festgenommen ist, seine sofortige Freilassung, es sei denn, dass er nicht aus anderem Anlass in Haft bleiben muss.

Der General-Staatsanwalt bei dem Hohen Rathe giebt Unserem Justizminister sofort Kenntniss von dem ergangenen Spruche.

Ist dadurch entschieden, dass der Gesuchsteller Niederländer ist, so werden die mit Beschlag belegten Sachen zurückgegeben — es sei denn, dass aus anderem Anlasse Gründe für die Zurückbehaltung vorhanden sind — und wird das Verfahren beim Gerichtshofe, wenn solches schon eingeleitet, aber noch nicht beendigt ist, eingestellt.

Art. 18. — Ist vor oder an dem im Artikel 16 bestimmten Tage die Entscheidung des Hohen Rathes nicht angerufen oder ist von diesem entschieden, dass die beanspruchte Person kein Niederländer ist, so wird von Unserem Justizminister nach Empfang des Gutachtens des Gerichtshofs die Auslieferung angeordnet oder verweigert.

Im Falle der Verweigerung wird der Beanspruchte, wenn er festgenommen worden ist, sofort entlassen — es sei denn, dass er aus anderem Anlass in Haft bleiben muss — und werden ihm die mit Beschlag belegten Sachen zurückgegeben — es sei denn, dass aus anderem Anlasse Gründe für die Zurückbehaltung vorhanden sind.

Art. 19. — Ist die beanspruchte Person nicht festgenommen worden und nach ordnungsmässiger Vorladung zu ihrer Vernehmung durch den Gerichtshof nicht erschienen, so beginnen die in den Artikeln 15 und 16 bezeichneten Fristen mit dem Tage, auf den die Vernehmung durch den Gerichtshof bestimmt worden ist.

Art. 20. — Die Regierung kann gestatten, dass ein Ausländer, dessen Auslieferung von einer fremden Macht einer anderen fremden Macht bewilligt worden ist, über das Niederländische Staatsgebiet unter Begleitung niederländischer Beamten geführt werde, sofern mit der Macht, an welche die Auslieferung erfolgt, von den Niederlanden ein Auslieferungsvertrag geschlossen und die Strafthat, wegen deren die Auslieferung bewilligt worden ist, in diesem Vertrag aufgeführt ist.

Art. 21. — Ausländer, die hierzulande sich in Untersuchungshaft befinden oder eine Strafe verbüssen, können zur Gegenüberstellung oder zur Abgabe von Erklärungen in Strafprozessen, die in einem fremden Staate anhängig sind, auf Anordnung der Regierung zeitweilig hinüber gesandt werden.

Wenn diese Ausländer hierzulande eine Strafe verbüssen, wird ihre Strafzeit als durch die zeitweilige Ueberführung nicht unterbrochen erachtet.

Art. 22. — Als Niederländer betrachtet dieses Gesetz Die, welche es nach dem Bürgerlichen Gesetzbuche sind.

Die kraft Artikel 8 des Gesetzbuchs den Niederländern Gleichgestellten werden bei der Anwendung dieses Gesetzes als Ausländer betrachtet.

Art. 23. — Alle in Folge dieses Gesetzes aufzunehmenden Akte und Schriftstücke sind frei von Stempel und Eintragung (Registrirung) und werden kostenfrei verabfolgt.

Art. 24. — Dieses Gesetz ist nicht anwendbar, wenn es sich darum handelt, entlaufene Seeleute festzunehmen, an Bord zurückzubringen oder zur Verfügung der Konsularbeamten zu stellen.

Wir verordnen und befehlen, dass Dieses in das Staatsblatt gesetzt werde, und dass alle Ministerialämter, Behörden, Kollegien und Beamten, die solches angeht, sich die genaue Ausführung angelegen sein lassen.

Gegeben im Haag, den 6. April 1875.

Wilhelm.

Der Justizminister.
van Lynden van Sandenburg.

Der Minister der auswärtigen Angelegenheiten.
van der Does de Willebois.

Ausgegeben den dreizehnten April 1875.

Der Justizminister.
van Lynden van Sandenburg.

4.

BELGIQUE.

Loi sur la naturalisation du 6 août 1881, suivie d'une loi réduisant le taux d'enregistrement établi sur les actes de naturalisation du 7 août 1881.

Moniteur du 9 août 1881.

Léopold II, Roi des Belges, A tous présents et à venir, Salut.

Les Chambres ont adopté et Nous sanctionnons ce qui suit:

Art. 1. — La naturalisation ordinaire confère à l'étranger tous les droits civils et politiques attachés à la qualité de Belge, à l'exception des droits politiques pour l'exercice desquels la Constitution ou les lois exigent la grande naturalisation.

Art. 2. — Pour pouvoir obtenir la grande naturalisation, il faut: 1° être âgé de vingt-cinq ans accomplis; 2° être marié, ou avoir retenu un ou plusieurs enfants de son mariage; 3° avoir résidé en Belgique pendant dix ans au moins.

Ce délai sera de cinq ans, au lieu de dix, pour l'étranger qui a épousé une Belge ou qui a retenu de son mariage avec une Belge un ou plusieurs enfants.

La grande naturalisation ne pourra être accordée aux étrangers non mariés, ou veufs sans enfant, que lorsqu'ils auront atteint l'âge de cinquante ans et qu'ils auront quinze ans de résidence dans le pays.

Elle pourra être conférée également, sans autre condition, pour services éminents rendus à l'État.

Les étrangers habitant le royaume, nés en Belgique, qui auraient né-

gligé de faire la déclaration prescrite par l'article 9 du Code civil, sont recevables à demander la grande naturalisation, sans remplir les conditions prescrites aux §§ 1, 2 et 3 du présent article.

Art. 3. — La naturalisation ordinaire, hors le cas prévu par l'article 4, ne sera accordée qu'à ceux qui auront accompli leur vingt et unième année, et qui auront résidé pendant cinq ans en Belgique.

Art. 4. — La naturalisation du père assure à ses enfants mineurs la faculté de jouir du même avantage, pourvu qu'ils déclarent dans l'année de leur majorité, devant l'autorité communale du lieu où ils ont leur domicile ou leur résidence, conformément à l'article 8, que leur intention est de jouir du bénéfice de la présente disposition.

Les enfants et descendants majeurs de celui qui a obtenu la naturalisation peuvent obtenir la même faveur sans être astreints aux conditions requises par les articles 2 et 3 de la présente loi.

Si le père est décédé, la naturalisation de la mère assure à ses enfants ou descendants les avantages énoncés au présent article.

Art. 5. — Nul n'est admis à la naturalisation qu'autant qu'il en ait formé la demande par écrit.

La demande devra être signée par la personne qui la forme ou par son fondé de procuration spéciale et authentique. Dans ce dernier cas, la procuration sera jointe à la demande.

Art. 6. — Toute demande en naturalisation, ainsi que toute proposition du gouvernement ayant le même objet, sera envoyée, par chaque Chambre, à une commission qui présentera l'analyse de la demande et des pièces y annexées.

Sur le rapport de la commission, chaque Chambre décidera, sans discussion et au scrutin secret, s'il y a lieu de prendre en considération les demandes ou les propositions. Si la demande est prise en considération, il sera immédiatement procédé à la discussion et au vote publics.

Art. 7. — Dans les huit jours qui suivront la sanction royale du vote des Chambres admettant la demande, le ministre de la justice délivrera à l'impétrant une expédition certifiée conforme de l'acte de naturalisation.

Art. 8. — L'impétrant, muni de cette expédition, se présentera devant le bourgmestre du lieu de son domicile ou de sa résidence et déclarera qu'il accepte la naturalisation qui lui est conférée.

Il sera immédiatement dressé procès-verbal de cette déclaration dans un registre à ce destiné.

Art. 9. — La déclaration prescrite par l'article précédent sera faite, sous peine de déchéance, dans les deux mois à compter de la date de la sanction royale.

Art. 10. — L'autorité communale enverra dans les huit jours au ministre de la justice une expédition dûment certifiée de l'acte d'acceptation.

Art. 11. — L'acte de naturalisation ne sera inséré au Moniteur que sur le vu de cette expédition, dont la date sera également insérée au Moniteur.

Art. 12. — La loi du 27 Septembre 1835 est abrogée, à l'exception des articles 14, 15 et 16.

Disposition spéciale.

L'individu né en Belgique d'un étranger qui aura négligé de faire devant l'autorité compétente, dans l'année qui a suivi l'époque de sa majorité, la déclaration prescrite par l'article 9 du Code civil ou qui aura fait une déclaration nulle ou insuffisante sera, s'il a satisfait en Belgique aux obligations de la loi de milice, admis à faire encore sa déclaration dans le délai de deux ans, à compter du jour de la publication de la présente loi.

L'article 4 de la loi du 1er avril 1879 lui sera applicable ainsi qu'à ses enfants et descendants.

Promulguons la présente loi, ordonnons qu'elle soit revêtue du sceau de l'État et publiée par la voie du Moniteur.

Donné à Laeken, le 6 Août 1881.

Léopold.

Par le Roi:
Le Ministre de la justice,
Jules Bara.

Scellé du sceau de l'État:
Le Ministre de la justice,
Jules Bara.

Loi réduisant le taux d'enregistrement établi sur les actes de naturalisation.

Léopold II, Roi des Belges, a tous présents et à venir, Salut.

Les Chambres ont adopté et Nous sanctionnons ce qui suit:

Art. 1. — La naturalisation ordinaire est assujettie à un droit d'enregistrement de 250 francs (sans additionnels).

La grande naturalisation est assujettie à un droit de 500 francs (sans additionnels).

Toutefois sont maintenues les exemptions établies par la législation actuelle en faveur:

1° Des individus naturalisés pour service éminents rendus à l'État;

2° Des décorés de la Croix de fer et de ceux qui ont pris une part aux combats de la révolution;

3° Des militaires en activité de service au 15 Février 1844;

4° Des habitants des parties cédées du Limbourg et du Luxembourg, nés avant l'époque du 4 Juin 1839, qui auraient omis de faire en temps opportun, la déclaration voulue pour rester Belges.

Art. 2. — Le droit d'enregistrement de la grande naturalisation est réduit à 250 francs, lorsque celui qui en est tenu a précédemment acquitté le montant du droit établi sur la naturalisation ordinaire.

Art. 3. — Dans les cas où le droit est exigé, la déclaration prescrite par l'article 8 de la loi du 6 Août 1881, ne sera acceptée que sur la production de la quittance de ce droit délivrée par le receveur de l'enregistrement.

Promulguons la présente loi, ordonnons qu'elle soit revêtue du sceau de l'État et publiée par la voie du Moniteur.

Donné à Bruxelles, le 7 Août 1881.

Léopold.

Par le Roi:
Le Ministre des finances,
Charles Graux.

Vut et scellé du sceau de l'État:
Le ministre de la justice,
Jules Bara.

5.

ETATS-UNIS D'AMÉRIQUE, VÉNÉZUÉLA.

Convention concernant les réclamations des sujets des États-Unis d'Amérique; signée à Washington le 5 décembre 1885.*)

Conventions concluded by the United States of America with foreign nations.

The President of the United States of America, Thomas F. Bayard, Secretary of State of the United States of America; and

The President of the United States of Venezuela, Antonio M. Soteldo, Chargé d'Affaires of Venezuela at Washington;

Who after having communicated to each other their respective full powers found in good and due form, having agreed upon the following articles:

Art. 1. — The general stipulations of the Convention of April 25th. 1866, between the contracting parties are hereby revived with such alterations as are required in conformity with the aforesaid joint resolution of the Congress of the United States, and with such further modifications as are deemed necessary for the certain and speedy accomplishment of the ends in view, and for the reciprocal protection of the interests of the high contracting parties as hereinafter provided.

Art. 2. — All claims on the part of corporations, companies, or individuals, Citizens of the United States, upon the Government of Venezuela, which may have been presented to their Government or to its legation at Caracas, before the first day of August, 1868, and which by the terms of the aforesaid Convention of April 25th 1866, were proper to be presented to the Mixed Commission organized under said convention shall be submitted to a new Commission, consisting of three Commissioners one of whom shall be appointed by the President of the United States of

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*) Échange des ratifications a eu lieu à Washington le 3 juin 1889.

America, one by the Government of the United States of Venezuela and the third shall be chosen by these two Commissioners; if they cannot agree within ten days from the time of their first meeting as hereinafter provided, then the diplomatic representative, of either Russia or Switzerland at this capital shall be requested by the Secretary of State and the Venezuelan Minister at Washington to name the third Commissioner.

In case of the death, resignation or incapacity of any of the Commissioners, or in the event of any of them omitting or ceasing to act, the vacancy shall be filled within three months by naming another Commissioner in like manner as herein provided for the original appointment.

Art. 3. — The Commissioners so appointed shall meet in the city of Washington at the earliest convenient time within three months from the exchange of the ratifications of this Convention, and shall, as their first act in so meeting, make and subscribe a solemn declaration that they will carefully examine and impartially decide, according to justice and in compliance with the provisions of this Convention, all claims submitted to them in conformity herewith, and such declaration shall be entered on the record of their proceedings.

Art. 4. — The concurring judgment of any two Commissioners shall be adequate for every intermediate decision arising in the execution of their duty, and for every final decision or award.

Art. 5. — So soon as the Commission shall have organized, notice shall be given to the respective Governments of the date of organization and of readiness to proceed to the transaction of the business of the Commission.

The Commissioners shall thereupon proceed without delay to hear and examine all the claims which by the terms of the aforesaid Convention of April 25, 1866, were proper to be presented to the Mixed Commission organized under the Convention of April 25, 1866; and they shall to that end consider all the evidence admissible under the aforesaid Convention of April 25, 1866, in respect to claims adjudicable thereunder, together with such other and further evidence as the claimants may offer through their respective Governments, and such further evidence as may be offered to rebut any such new evidence offered on the part of the claimant, and they shall, if required, hear one person on behalf of each Government on every separate claim.

All the papers and evidence before the said former Commission, now on file in the archives of the Department of State at Washington, shall be laid before the Commission; and each Government shall furnish, at the request of the Commissioners, or of any two of them, all such papers and documents in its possession as may be deemed important to the just determination of any claim.

Art. 6. — The Commissioners shall make such decision as they shall deem, in reference to such claims, conformable to justice.

The concurring decisions of the three Commissioners, or of any two of them, shall be conclusive and final. Said decisions shall in every case be given upon each individual claim, in writing, stating in the event of a pecuniary reward being made, the amount or equivalent value of the

same, expressed in gold coin of the United States of Ameriea; and in the event of interest being allowed for any cause and embraced in such award, the rate thereof and the period for which it is to be computed shall be fixed, which period shall not extend beyond the close of the Commission; and said decision shall be signed by the Commissioners concurring therein.

In all cases where te Commissioners award an indemnity as aforesaid, they shall issue one certificate of the sum to be paid to each claimant, respectively, by virtue of their decisions, inclusive of interest when allowed, and after having deducted from the sum so found due to any claimant or claimants any moneys heretofore paid by Department of State at Washington upon certificates issued to such claimants, respectively, upon awards made by the former Mixed Commission under the Convention of April 25th 1866. And all certificates of awards issued by the said former Mixed Commission shall be deemed canceled from the date of the decision of the present Commission in the case in which they were issued.

The aggregate amount of all sums awarded by the present Commission, and of all sums accruing therefrom, shall be paid to the United States. Payment of said aggregate amount shall be made in equal annual payments to be completed within ten years from the date of the termination of the labors of the present Commission. Semi-annual interest shall be paid on the aggregate amount awarded, at the rate of five per cent per annum from the date of the termination of the labors of the Commission.

Art. 7. — The moneys now in the Department of State actually received from the Government of Venezuela on account of the awards of the said former Mixed Commission under the convention of April 25, 1866, and all that may hereafter be paid on said former account by the Government of moneys Venezuela to the Government of the United States, shall be credited to the Government of Venezuela in computing the aggregate total which may be found due to the Government of the United States under the stipulations of the preceding article, and the balance only shall be considered as due and payable with interest in ten annual payments as aforesaid. Provided however, that in the event of the aggregate amount which the present Commission may find due to the Government of the United States being less than the aggregate of the sums actually received from the Government of Venezuela, and remaining undistributed in the Department of State, at Washington the Government of the United States will refund such excess to the Government of Venezuela within six months from the conclusion of the labors of the Commission.

The payment of moneys due from the Government of Venezuela to the Government of the United States under the former Convention of April, 25, 1866, shall be deemed to have ceased from the first day of April 1883, to be resumed should occasion arise as hereinbefore provided.

Art. 8. — In the event of the annulment of any awards made by the former Mixed Commission under the Convention of April 25, 1866, the Government of the United States is not to be regarded as reponsible, to that of Venezuela for any sums which may have been paid by the latter Government on account of said awards, so far as said sums may have been distributed. In like manner, if the awards made by the present

Commission and the certificates issued by it shall in any cases be found less than the amount heretofore paid to the claimants from the moneys received from Venezuela, the Government of the United States shall not be regarded as responsible by reason thereof to the Government of Venezuela.

The rehearing provided in the present convention affects, as against the Government of the United States, only the installments of moneys paid to and now held by the United States, and those hereafter to be paid; and the effect of such annulment or reduction in any case shall be to discharge the Government of Venezuela, wholly and forever, from any obligation to pay further installments in such case, except as provided in the present convention.

Art. 9. — It is further agreed that if the commission, hereunder organized shall in whole or part annul any money awards made in any cases by the former Mixed Commission under the Convention of April 25, 1866, it shall be the duty of the Commission to examine and decide whether, under all the circumstances, and with due regard to principles of justice and equity there are any third parties who have, with the observance of due care and diligence, become possessed, prior to the date of the exchange of ratifications hereof, for a just and valuable consideration, of any portion of the certificates of award heretofore issued in said claims, and whether, under the constitution or laws of either of the contracting parties, said third parties have acquired vested rights, by virtue of the awards of the former Commission under the Convention of 1866, imposing the duty on the Government of the United States to collect from Venezuela the amount or proportion of said certificates of awards which may be held and owned by third parties.

If the present Commission shall decide that there are third parties who are possessed of vested rights, then it shall examine and ascertain the sum paid be each and all of said third parties for their respective interests or shares in said awards, and shall fix the amount of their said interest in said certificates of award or each of them, and shall issue new certificates of award for the sums sn adjudged due, which shall be paid by Venezuela to the United States in the manner here in before stipulated, the same as all other certificates issued by the present Commission.

Art. 10. — Upon the conclusion of the labors of the Commission organized in virtue of this present Convention, the Department of State of the United States of America shall distribute pro rata among the holders of the certificates which may be issued under the present convention, the moneys in the Department of State actually received from the Government of Venezuela on account of the awards of the former Mixed Commission under the Convention of April 25, 1866; and all moneys that may hereafter be paid to the United States under this present convention shall be in like manner distributed pro rata in payment of such awards as may be made under this present convention.

Art. 11. — The decisions of the Commission organized under this present convention shall be final and conclusive as to all claims presented or proper to be presented to the former Mixed Commission.

Art. 12. — The Commission appointed under this present convention

shall terminate its labors within twelve months from the date of its organization. A record of the proceedings of the Commission shall be kept, and the Commissioners may appoint a Secretary.

Art. 13. — Notwithstanding that the present Commission is organized in consequence of representations made by the Government of Venezuela and that it deals solely with the claims of citizens of the United States, (for which reasons the United States might properly claim that all the expenses hereunder should be borne by Venezuela alone) it is agreed that, in continuation of the arrangement made in the former convention of 1866, the expenses shall be shared as follows: Each Government shall pay its own Commissioner and shall pay one half of what may be due to the third Commissioner and the Secretary, and one half of the incidental expenses of the Commission.

Art. 14. — Except so far as revived, continued, modified and replaced by the terms and effects of this present convention, the effects of the former convention of April 25, 1866, shall absolutely cease and determine from and after the date of the exchange of ratifications of this present convention, and the high contracting parties hereby agree that the responsibilities and obligations arising under said former Convention shall be deemed wholly discharged and annulled by the substitution therefor of the responsibilities contracted and obligations created under this present convention, to which the high contracting parties mutually bind themselves to give full, perfect and final effect, without any evasion, reservation or delay whatever.

Art. 15. — The present convention shall be ratified by the President of the United States by and with the advice and consent of the Senate of the United States of America; and by the President of the United States of Venezuela by and with the advice and consent of the Senate of the United States of Venezuela, and the ratification shall be exchanged at Washington within twelve months from the date of this present convention, and the publication of the exchange of ratifications shall be notice to all persons interested.

In testimony whereof the respective plenipotentiaries have hereunto affixed their signatures and seals.

Done in duplicate, in the English and Spanish languages, at the city of Washington, this 5th day of December 1885.

T. F. Bayard. (Seal.)
A. M. Soteldo. (Seal.)

6.

ARGENTINE, ITALIE.

Convention consulaire; signée à Rome le 20 décembre 1885.*)

Archives diplomatiques 1896.

S. Exc. le Président de la République Argentine et S. M. le Roi d'Italie, ayant reconnu la nécessité de déterminer d'une façon claire et précise les attributions, prérogatives et immunités appartenant aux agents consulaires de chacun des deux Etats résidant sur le territoire de l'autre, ont résolu de conclure une Convention consulaire et nommé à cet effet pour leurs plénipotentiaires:

S. Exc. le Président de la République Argentine,

Le Dr. Don Antonio Del Viso, ancien ministre d'Etat pour le département de l'Intérieur, etc., etc., son envoyé extraordinaire et ministre plénipotentiarie près S. M. le Roi d'Italie,

Et S. M. le Roi d'Italie,

Le Général Comte Charles-Félix-Nicolis di Robilant, Grand-Croix des Ordres des Saints-Maurice et Lazare et de la Couronne d'Italie, Commandeur de l'Ordre militaire de Savoie, Sénateur du Royaume, etc., etc., son ministre secrétaire d'Etat pour les Affaires étrangères,

Lesquels, après s'être communiqué leurs pleins pouvoirs respectifs, trouvés en bonne et due forme, sont convenus des articles suivants:

Art. 1. — Chacune des hautes parties contractantes pourra établir des Consuls généraux, Consuls, Vice-Consuls et Agents consulaires dans les ports, villes et places du territoire de l'autre, sauf à celle-ci le droit d'excepter telles localités qu'elle jugera convenable. Toutefois, cette réserve ne pourra s'appliquer à une des hautes parties contractantes sans s'appliquer en même temps à tous les autres pays.

Art. 2. — Les dits agents seront réciproquement admis et reconnus à la suite de la présentation de leur patente selon les règles et formalités établies dans les Etats respectifs. L'exequatur, requis pour le libre exercice de leurs fonctions, leur sera délivré gratis, et, sur la présentation du dit exequatur, l'Autorité compétente du lieu de leur résidence prendra immédiatement les mesures nécessaires pour qu'ils puissent remplir les devoirs de leur office, et pour qu'ils soient admis à jouir des exemptions, prérogatives, immunités, honneurs et privilèges respectifs.

Chacune des hautes parties contractantes se réserve le droit de retirer l'exequatur, à quionque des dits agents, quand elle le jugera convenable.

Art. 3. — Les Agents diplomatiques ou les Consuls généraux et Consuls, qui en ont la faculté d'après la législation de leur pays respectif, pourront nommer des Vice-Consuls ou Agents consulaires dans les villes, ports ou places de leurs districts respectifs, sauf toujours l'exequatur du Gouvernement territorial.

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*) Les ratifications ont été échangées à Rome le 17 avril 1896.

Ces agents pourront être choisis indifféremment parmi les citoyens des deux nations ou parmi des étrangers. Ils seront munis d'une patente délivrée par l'Agent diplomatique ou Consul qui les nomme et sous les ordres duquel ils auront à exercer leurs fonctions, et ils jouiront, sous les mêmes conditions, des privilèges stipulés dans la présente Convention en faveur des Agents consulaires nommés par les Gouvernements respectifs.

Art. 4. — Dans les cas d'empêchement, d'absence ou de mort des Consuls généraux, Consuls, Vice-Consuls et Agents consulaires, les Attachés consulaires, Chanceliers et Secrétaires, qui auront déjà été présentés comme tels aux autorités respectives, seront admis de plein droit, selon leur ordre hiérarchique, à exercer les fonctions consulaires par intérim. Les autorités locales leur devront assistance et protection et les admettront à jouir, durant leur gestion intérimaire, de toutes les exemptions, prérogatives, immunités et privilèges stipulés dans la présente Convention en faveur des Agents consulaires titulaires, sous les conditions et réserves prescrites pour ces derniers.

Art. 5. — Les Consuls généraux, Vice-Consuls et Agents consulaires pourront placer, sur la porte extérieure du Consulat, l'écusson avec les armes de leur nation, avec cette inscription: Consulat ou Vice-Consulat ou Agence Consulaire de S. M. le Roi d'Italie ou de la République Argentine.

Ils pourront également arborer le drapeau de leur nation sur la maison consulaire dans les jours de solennités publiques, religieuses ou nationales, et dans les autres occasions où il est d'usage de le faire.

Il reste toutefois bien entendu que ces signes extérieurs ne pourront être interprétés comme constituant un droit d'asile, mais serviront uniquement à désigner aux marins et aux nationaux l'habitation consulaire.

Ils auront aussi le droit de déployer leur drapeau national respectif sur le bateau qui les conduit dans le port pour l'accomplissement de leurs fonctions officielles.

Art. 6. — Les archives consulaires seront toujours inviolables et les Autorités territoriales ne pourront, dans aucun cas et sous aucun prétexte, visiter ou séquestrer les papiers en faisant partie. Ces papiers devront rester toujours complètement séparés des livres et papiers relatifs au commerce ou à l'industrie que pourraient exercer les Consuls, Vice-Consuls ou Agents consulaires respectifs.

Art. 7. — Toutes les fois que la comparution des Consuls généraux, Consuls, Vice-Consuls ou Agents consulaires, devant les Tribunaux et Juridictions de l'Etat où ils exercent leurs fonctions, sera reconnue nécessaire, ils seront cités au moyen d'une lettre officielle et on leur donnera une place distincte.

Dans le cas cependant où l'Agent consulaire cité ne demeurerait pas dans le lieu où siège le Tribunal qui doit l'interroger, il pourra faire sa déposition par écrit.

Art. 8. — Les Consuls généraux, Consuls, Vice-Consuls et Agents consulaires, sujets de l'Etat qui les a nommés, ne pourront être arrêtés préventivement, si ce n'est dans le cas d'un fait qualifié et puni comme crime par la législation locale.

Art. 9. — Les Consuls généraux, Consuls, Vice-Consuls et Agents consulaires, sujets de l'Etat qui les a nommés, jouiront de l'exemption de logement militaire et de toute charge ou service public, tant de caractère municipal que d'autre espèce.

Ils seront également exempts des contributions militaires et des contributions directes imposées par l'Etat les Provinces et les Communes, et dont la perception se fait d'après des rôles nominatifs, à moins qu'elles ne soient imposées à raison de la possession de biens immobiliers ou sur les intérêts de capitaux employés dans l'Etat où les dits Agents exercent leurs fonctions.

Cette exemption ne pourra toutefois s'appliquer aux Consuls généraux, Vice-Consuls ou Agents consulaires qui exerceraient une profession, une industrie ou un commerce quelconque, devant être en pareil cas soumis au paiement des taxes dues par tout autre étranger dans les mêmes conditions.

Art. 10. — Les Consuls généraux, Consuls, Vice-Consuls et Agents consulaires pourront s'adresser aux Autorités de leur district pour réclamer contre toute infraction aux traités et conventions existant entre les deux pays et contre tout abus dont pourraient se plaindre leurs nationaux. Si leurs remontrances n'étaient pas accueillies par les Autorités du district, ou si la résolution prise par celles-ci ne leur semblait pas satisfaisante, ils pourraient aussi recourir, à défaut d'agent diplomatique de leur pays, au Gouvernement de l'Etat où ils résident.

Art. 11. — Les Consuls généraux, Consuls, Vice-Consuls et Agents consulaires pourront envoyer un délégué ou se rendre à bord des bâtiments de leur nation qui seront admis en libre pratique, interroger les capitaines et matelots, examiner les papiers de bord, retenir les déclarations relatives au voyage et à ses incidents, rédiger les manifestes et autoriser l'expédition des bâtiments.

Ils pourront aussi accompagner les capitaines ou gens de l'équipage devant les Tribunaux ou Agents administratifs de la circonscription où ils résident, pour leur servir d'auxiliaires et d'interprètes dans les affaires dont ils ont à s'occuper ou dans les demandes qu'ils ont à présenter.

Art. 12. — Les Consuls généraux, Consuls, Vice-Consuls et leurs Secrétaires et Chanceliers, dans les cas de leur compétence et en tant que les lois du pays ne s'y opposent pas expressément, auront le droit de recevoir dans leur Chancellerie, au domicile des parties et à bord des bâtiments de leur nation, les déclarations qu'auraient à faire les capitaines, les matelots, les passagers, les commerçants ou tous autres nationaux du pays dont ils sont les agents, et ils sont également autorisés à procéder aux actes de notariat qui se réfèrent à leurs nationaux.

Art. 13. — L'intervention des Consuls des deux nations dans les successions de leurs nationaux sera réglée par les lois et dispositions réglementaires qui sont actuellement en vigueur dans l'Etat où s'ouvre la succession.

Art. 14. — Les Consuls généraux, Consuls, Vice-Consuls et Agents consulaires des deux Etats connaîtront exclusivement des actes d'inventaire et des autres opérations pratiquées pour la conversation des biens hérédi-

taires laissés par les marins de leur nation, morts à terre ou à bord des navires de leur pays, soit pendant la traversée, soit au port d'arrivée.

La présente disposition sera aussi applicable aux biens héréditaires laissés par les passagers nationaux, dans le cas où ils sont morts à bord du navire ou même à terre, si c'est pendant le cours de la navigation.

Art. 15. — En tout ce qui concerne la police des ports, le chargement et le déchargement des navires et la sûreté des marchandises, biens et effets, on observera les lois, statuts et règlements du Pays.

Les Consuls généraux, Consuls, Vice-Consuls et Agents consulaires seront exclusivement chargés de maintenir l'ordre à bord des navires marchands de leur nation et ils connaîtront seuls des questions qui s'élèvent entre le capitaine, les officiers et les matelots, relativement à la solde et à l'exécution des accords réciproquement convenus.

Art. 16. — Les autorités locales interviendront à bord des navires marchands de l'autre Etat toutes les fois qu'il y aura des désordres de nature à troubler la tranquillité et l'ordre public à terre ou dans le port, ou quand dans ces désordres se trouve impliquée quelque personne du pays ou quelque individu n'appartenant pas à l'équipage.

Dans tous les autres cas, les autorités locales se borneront à fournir leur assistance aux Agents consulaires respectifs qui en feront la demande, pour faire arrêter et conduire à bord tout individu inscrit sur le rôle de l'équipage, contre lequel ils jugeraient à propos de demander une mesure de ce genre.

L'arrestation ne pourra se prolonger au-delà du temps qui est admis par les dispositions constitutionelles ou légales du pays où elle a lieu.

Art. 17. — Les Consuls généraux, Consuls, Vice-Consuls et Agents consulaires pourront faire arrêter et renvoyer, soit à bord, soit dans leur pays, les matelots ou toute autre personne faisant partie des bâtiments de commerce ou de guerre de leur nation, qui auraient déserté sur le territoire de l'autre Etat.

A cet effet, ils devront s'adresser par écrit aux autorités locales compétentes et justifier, par l'exhibition des registres du bâtiment ou du rôle de l'équipage, ou encore, si le bâtiment était déjà parti, au moyen d'une copie authentique ou d'un extrait de ces documents, que les personnes réclamées faisaient effectivement partie de l'équipage.

Sur la présentation de la requête ainsi justifiée, on ne pourra refuser la remise des déserteurs.

On fournira en outre, aux dits Agents consulaires, toute espèce d'assistance et de coopération pour la recherche et l'arrestation de ces déserteurs qui seront conduits et gardés dans les prisons du pays, à la demande et aux frais du Consul ou du Vice-Consul, jusqu'à ce que le rapatriement ait lieu. En tout cas, une telle arrestation ne pourra durer plus de trois mois; ce délai écoulé et moyennant un avis donné trois jours avant à l'Agent consulaire, l'individu arrêté sera mis en liberté et ne pourra plus être emprisonné pous le même motif.

Dans le cas où le déserteur aurait commis à terre quelque délit, l'autorité locale retardera la remise jusqu'à ce que le Tribunal prononce la sentence et que celle-ci ait reçu pleine exécution.

Les dispositions du présent article ne s'appliquent pas aux nationaux du pays où la désertion a lieu.

Art. 18. — Dans le cas où il s'agit d'avaries subies pendant la navigation par les bâtiments des deux Etats qu'ils entrent volontairement ou par force majeure dans les ports d'un des deux pays, les Consuls, Vice-Consuls et Agents consulaires ne pourront intervenir que dans la mesure permise par la législation du Pays.

A défaut d'accord exprès entre les armateurs, affréteurs, chargeurs et assureurs, les avaries seront réglées conformément aux lois respectives de chaque Etat.

Art. 19. — En cas de naufrage ou d'échouement d'un navire, appartenant au Gouvernement ou aux sujets d'une des hautes parties contractantes, sur les côtes de l'autre, les autorités devront en informer le Consul général, Consul, Vice-Consul ou Agent consulaire du district, ou, à son défaut, le Consul général, Consul, Vice-Consul ou Agent consulaire le plus proche du lieu du sinistre.

Toutes les opérations relatives au sauvetage des navires d'un des deux Etats qui auraient fait naufrage ou auraient échoué dans les eaux territoriales de l'autre Etat, seront dirigées par les Consuls généraux, Consuls, Vice-Consuls ou Agents consulaires respectifs, conformément aux lois et règlements du Pays.

L'intervention des autorités locales aura lieu dans les deux pays uniquement pour assister les Agents consulaires et maintenir l'ordre et garantir les intérêts des sauveteurs étrangers à l'équipage et assurer l'exécution des dispositions qui doivent s'observer pour l'entrée et la sortie des marchandises sauvées.

En l'absence et jusqu'à l'arrivée des Consuls généraux, Consuls, Vice-Consuls ou Agents consulaires, ainsi que des personnes déléguées par eux à cet effet, les autorités locales devront prendre toutes les mesures nécessaires pour la protection des individus ou la conservation des objets qui auraient été sauvés du naufrage.

L'intervention des autorités locales, dans tous les cas, ne donnera lieu à la perception de droits d'aucune sorte, sauf de ceux auxquels seraient soumis en pareil cas les navires nationaux et sauf le remboursement des dépenses occasionnées par les opérations du sauvetage et de la conservation des objets sauvés.

En cas de doute sur la nationalité des navires naufragés, les mesures mentionnées dans le présent article seront de la compétence exclusive de l'autorité locale.

Les hautes parties contractantes conviennent en outre que les marchandises et effets sauvés ne seront soumis au paiement d'aucun droit de douane, à moins qu'ils ne soient introduits dans la consommation intérieure.

Art. 20. — Les Consuls généraux, Consuls, Vice-Consuls et Agents consulaires respectifs, comme aussi les chanceliers, secrétaires et attachés aux Consulats, jouiront dans les deux pays des prérogatives, immunités et privilèges, actuellement accordés ou qui le seront par la suite aux agents de même grade de la nation la plus favorisée, pourvu que de telles concessions soient réciproques.

Il reste entendu qu'en dehors de cela, les agents diplomatiques n'ont en aucun cas les immunités diplomatiques.

Art. 21. — Les deux Gouvernements contractants conviennent que les difficultés qui pourront s'élever sur l'interprétation ou l'exécution de la présente convention, ou sur les conséquences de sa violation, seront soumises, quand les moyens de les arranger directement par un accord amiable auront été épuisés, à la décision de commissions arbitrales, et que le résultat d'un semblable arbitrage sera obligatoire pour les deux parties.

La procédure arbitrale sera réglée dans chaque cas par les parties contractantes et, à défaut, le collège même des arbitres sera autorisé à la déterminer tout d'abord.

Art. 22. — Les stipulations de la présente convention commenceront à avoir effet du jour de l'échange des ratifications.

Elle durera dix ans, qui commenceront à courir du dit jour.

Si aucune des parties contractantes n'annonce officiellement à l'autre, un an avant l'expiration de ce délai, l'intention d'en faire cesser les effets, elle continuera à être en vigueur pendant un an à partir d'une semblable déclaration, quel que soit le temps où elle ait lieu.

Art. 23. — La présente convention sera approuvée et ratifiée par les hautes parties contractantes et l'échange des ratifications aura lieu à Rome.

En foi de quoi les Plénipotentiaires respectifs l'ont signée et y ont apposé leur cachet.

Fait à Rome, en double original, le 20 décembre 1885.

C. Robillant.
Antonio del Viso.

7.

COLOMBIE.

Lois concernant la nationalité et la naturalisation de 1886 et 1888.

Parliamentary Papers. [C—7970.]

Report from Her Majesty's Minister at Bogotá on the Laws in force in Colombia.

Mr. Jenner to Foreign Office. — (Received December 27.)

Mr. Jenner presents his compliments to Mr. Bertie, and in reply to his letter of the 27th September, received the 18th instant, hastens to send him a brief report on the laws in force in Colombia relating to nationality and naturalization.

As, according to the Constitution, every respectable Colombian is a citizen, Mr. Jenner has included in his Report the Articles concerning citizenship, which affect all person born in Colombian territory of foreign as well as of Colombian fathers.

Bogotá, November 21, 1895.

Inclosure 1.

Laws in Force in Colombia Relating to Nationality and Naturalization.

Nationality in Colombia is governed by the following provisions of the Constitution of 1886, in accordance with which a law of alienage and naturalization was also passed in 1888, a translation of which was forwarded to your Lordship by Mr. Dickson in his despatch of the 12th December, 1888, for which reason I now confine myself to embodying in this statement those Articles of that law that refer to naturalization.

Constitution of 1886.

Article 8. — The following persons are declared to be Colombians: —

1. By birth. — Those who are natives of Colombia under either of the following conditions: that the father or mother was a native Colombian, or that, being the children of foreigners, they are domiciled in the Republic.

The legitimate children of a Colombian father or mother who were born in a foreign country and shall afterwards have fixed their domicile in the Republic, are considered Colombian by birth for the purposes indicated in the laws that determine this condition.

2. By origin or vicinity. — Those who are born in foreign countries of a Colombian father or mother and are domiciled in the Republic; and all Spanish Americans who may appear before the Municipal Authorithies of the place in which they reside, and register themselves as Colombians.

3. By adoption. — Those foreigners who apply for and obtain letters of naturalization.

Art. 9. — The status of the Colombian citizen is forfeited by his obtaining letters of naturalization in a foreign country, fixing therein his domicile, but he may recover it under laws enacted for that purpose.

Art. 10. — It is the duty of all citizens and foreigners in Colombia to live in submission to the Constitution and the laws, and to respect and obey the authorities.

Art. 11. — Foreigners shall enjoy in Colombia the same rights that are conceded to Colombians by the laws of the nation to which the foreigners belong, except those which are stipulated in public Treaties.

Art. 12. — The law shall define the condition, as well as the rights and obligations of all resident foreigners.

Art. 13. — Any Colombian, although he may have lost his citizenship, who may be taken in arms against Colombia, shall be tried and punished as a traitor.

Naturalized foreigners and those residing in Colombia shall not be compelled to bear arms against the country of their birth.

Art. 14. — Societies and corporations, that in Colombia are recognized as artificial persons, shall not enjoy any other rights than those accorded to natural persons who are Colombians.

Art. 15. — All male Colombians who have attained the age of 21 years, and who exercise a profession, art, or office, or who follow a lawful occupation, or have other legitimate and ostensible means of support, shall be held to be citizens.

Art. 16. — Citizenship is lost when nationality is lost. The character of a citizen shall also be forfeited in either of the following cases when judicially established: —

1. When he enters the service of a nation at war with Colombia.

2. When he has belonged to a rebellious faction against the Government of a friendly nation.

3. When he has been condemned to suffer criminal imprisonment or exile.

4. When he has been removed from public office by means of criminal proceedings, or on account of an act affecting his civil responsibility.

5. When he has been guilty of acts of violence, fraudulent practices, or of bribery in elections.

All persons who may have lost their citizenship may petition the Senate for its restoration.

Art. 17. — The exercise of the rights of citizenship is suspended: for notorious mental aberration; for judicial interdiction; for habitual drunkenness; for charges involving criminal proceedings, and after the issue of a warrant of arrest.

Art. 18. — Citizenship is an indispensable condition precedent to the exercise of the right of voting, and of holding any public office of authority or power.

The following Articles of Law 145 of the 26th November, 1888, upon alienage and naturalization deal with naturalization: —

Art. 16. — In accordance with paragraph 3, Article 8, of the Constitution, and paragraph 19, Article 120, of the Constitution (which authorizes the President of the Republic „to issue letters of naturalization in conformity with the law"), the Government may issue letters of citizenship or naturalization to aliens who apply for them.

Art. 17. — In the person of the husband, the wife, and the children below the age of 21 years, become naturalized.

Art. 18. — Letters of naturalization are applied for to the executive power by means of a petition, in which the applicant sets forth the state of which he is a native, and the Government of which he is a subject, as well as the number, names, age, and sex of the persons who accompany

him, and to whom the naturalization will extend in accordance with Article 17 of this law.

That petition will be forwarded to the Foreign Office by the Government of the department in which the applicant resides.

Art. 19. — The Governor, upon receiving the letters of naturalization signed by the executive power, before delivering them to the applicant, will require that the should swear (or solemnly affirm if his religion do not permit him to swear (that he renounces for ever all ties that bind him to another Government, and that he will support and fulfil the Constitution and the laws of the Republic.

Art. 20. — When, in accordance with paragraph 2 Article 8 of the Constitution, Spanish-Americans apply for registration as Colombians, a deed shall be drawn out on stamped paper, signed by them, and by the President and Secretary of the respective municipality, in which the following shall be set forth: —

a) The State of which the applicant is a native, and the Government of which he considers himself a subject.

b) That he has taken the oath or made the affirmation prescribed by Article 19.

c) The number, names, age, and sex of the persons who depend upon him, and to whom the naturalization is to extend.

Art. 21. — Municipalities will not act upon the foregoing Article, without authority from the Government, to whom they will previously describe the circumstances of the applicant.

Art. 22. — The Foreign Office will keep a register stating the names and circumstances of aliens naturalized in Colombia.

Art. 23. — Letters of naturalization may henceforward be issued on unstamped paper.

Art. 24. — The provisions of this law are subject to the restrictions which may arise from Article 11 of the Constitution and from public Treaties and Conventions.

Art. 24. — This law annuls all provisions of a similar character that may conflict with it.

The foregoing Articles of the Constitution, and of the law, according to the best authorities contain the only provisions now in force, dealing with nationality and naturalization in Colombia.

Bogotá, November 21, 1895.

(Signed) *G. Jenner.*

8.

FRANCE, CHINE.

Convention commerciale; signée à Tien-Tsin les 25 avril 1886.*)

Archives diplomatiques 1896.

Le Président de la République française et S. M. l'empereur de Chine, désirant conclure, conformément aux dispositions de l'article 6 du traité du 9 juin 1885,**) une convention pour régler les conditions dans lesquelles s'effectuera le commerce par terre entre le Tonkin et les provinces méridionales de l'empire, et prenant, d'autre part, en considération l'article 10 du même acte, qui maintient les anciens traités, accords et conventions, conclus entre la France et la Chine, ont nommé pour leurs plénipotentiaires savoir:

Le Président de la République française, le sieur François-Georges Cogordan, Ministre plénipotentiaire, sous-directeur des Affaires politiques au Ministère des Affaires étrangères, officier de l'ordre de la Légion d'honneur, grand officier de l'ordre de la Couronne d'Italie, etc., envoyé en mission extraordinaire en Chine.

Assisté du sieur François-Edmond Bruwaert, Consul de France, commandeur de l'ordre de Gustave Wasa de Suède, chevalier de l'ordre de Léopold de Belgique, etc.;

Et S. M. l'empereur de Chine, Li-Hong-Tchang, commissaire impérial, premier grand secrétaire d'Etat, grand précepteur honoraire de l'héritier présomptif, surintendant du commerce des ports du Nord, directeur adjoint des armées navales, gouverneur général de la province Tché-Li, appartenant au premier degré du troisième rang de la noblesse, avec le titre de Sou-Yi;

Lesquels, après s'être communiqué leurs pleins pouvoirs, qui ont été reconnus en bonne et due forme, sont convenus des stipulations suivantes:

Art. 1. — Aux termes de l'article 5 du traité du 9 juin 1885, les H. P. contractantes conviennent qu'il y a lieu, quant à présent, d'ouvrir au commerce deux localités, l'une au nord de Langson et l'autre audessus de Laokaï.

La Chine y établira des bureaux de douane et la France aura la faculté d'y nommer des Consuls qui jouiront de tous les droits et privilèges concédés en Chine aux Consuls de la nation la plus favorisée.

Les travaux de la Commission chargée de la délimitation des deux pays ne se trouvant pas terminés au moment de la signature de la présente convention, la localité à ouvrir au commerce au nord de Langson devra être choisie et déterminée dans le courant de la présente année, après entente entre le Gouvernement impérial et le Représentant de la France à Pékin. Quant à la localité qui devra être ouverte au commerce au-dessus de Laokaï, elle sera également déterminée d'un commun accord, à la suite des travaux de reconnaissance de la frontière entre les deux pays.

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*) Ratifiée à Pékin le 7 août 1896.

) V. **N. R. G. 2e série XII, 645.

Art. 2. — Le Gouvernement impérial pourra nommer des Consuls à Hanoï et à Haïphong. Des Consuls chinois pourront aussi être envoyés plus tard dans d'autres grandes villes du Tonkin, après entente avec le Gouvernement français. Ces agents seront traités de la même manière et auront les mêmes droits et privilèges que les Consuls de la nation la plus favorisée établis en France. C'est avec les autorités françaises chargées du protectorat qu'ils entretiendront tous leurs rapports officiels.

Art. 3. — Il est convenu de part et d'autre que, dans les localités où des Consuls seront envoyés, les autorités respectives s'emploieront à faciliter l'installation de ces agents dans des résidences honorables.

Les Français pourront s'établir dans les localités ouvertes au commerce à la frontière de Chine dans les conditions prévues par les articles 7, 10 11, 12 et autres du traité du 27 juin 1858. Les Annamites jouiront dans ces localités du même traitement privilégié.

Art. 4. — Les Chinois auront le droit de posséder des terrains, d'élever des constructions, d'ouvrir des maisons de commerce et d'avoir des magasins dans tout l'Annam. Ils obtiendront pour leur personne, leurs familles et leurs biens, protection et sécurité, à l'égal des sujets de la nation européenne la plus favorisée, et comme ces derniers, ils ne pourront être l'objet d'aucun mauvais traitement. Les correspondances officielles et privées, les télégrammes des fonctionnaires et commerçants chinois seront transmis sans difficulté par les administrations postale et télégraphique françaises.

Les Français recevront de la Chine le même traitement privilégié.

Art. 5. — Les Français, protégés français ou étrangers établis au Tonkin, pourront franchir la frontière et pénétrer en Chine, à la condition d'être munis de passeports. Ces passeports seront délivrés par les autorités chinoises de la frontière, à la requête des autorités françaises, qui les demanderont seulement en faveur de personnes honorables: ils seront rendus au retour et annulés. Lorsqu'un voyageur devra traverser une localité occupée par des aborigènes ou des sauvages, il sera mentionné sur le passeport qu'il n'y a pas dans cette localité de fonctionnaire chinois qui puisse le protéger.

Les Chinois qui voudront se rendre de Chine au Tonkin par voie de terre devront de la même manière être munis de passeports délivrés par les autorités françaises à la requête des autorités chinoises qui les demanderont seulement en faveur de personnes honorables.

Les passeports ainsi délivrés de part et d'autre serviront simplement de titres de voyage et ne pourront pas être considérés comme des certificats d'exemption de taxe pour le transport des marchandises.

Les autorités chinoises sur le sol chinois et les autorités françaises au Tonkin, auront le droit d'arrêter les personnes qui auraient franchi la frontière sans passeport et de les remettre aux mains de l'autorité respective pour être jugés et punis s'il y a lieu.

Les Chinois habitant l'Annam pourront rentrer du Tonkin en Chine en obtenant simplement des autorités impériales un laisser-passer leur permettant de franchir la frontière.

Les Français et autres personnes établis dans les localités ouvertes

à la frontière, pourront circuler sans passeport dans un rayon de 50 lis, autour de ces localités.

Art. 6. — Les marchandises importées dans les localités ouvertes au commerce à la frontière de Chine par les négociants français et les protégés français peuvent, après acquittement des droits d'importation, être transportées sur les marchés intérieurs de la Chine dans les conditions fixées par le 7e règlement annexe du traité du 27 juin 1858, et par les règlements généraux de la douane maritime sur les passes de transit à l'importation.

Dès que des marchandises étrangères seront importées dans ces localités, déclaration devra être faite en douane de la nature et de la quantité de ces marchandises ainsi que du nom de la personne qui les accompagne. La douane fera procéder à la vérification et percevra le droit du tarif général de la douane maritime chinoise diminué d'un cinquième. Les articles non dénommés au tarif resteront passibles du droit de 5 % *ad valorem.* Ce n'est qu'après que le droit aura été payé que les marchandises pourront sortir du magasin, être expédiées et vendues. Le négociant qui voudrait envoyer dans l'intérieur des marchandises étrangères devra faire une nouvelle déclaration en douane, et payer, sans réduction, le droit de transit inscrit dans les règlements généraux de la douane maritime chinoise. Après ce payement, la douane délivrera une passe de transit qui permettra au porteur de se rendre dans la localité désignée sur la passe pour y disposer desdites marchandises.

A ces conditions, aucune perception nouvelle ne sera faite au passage des barrières intérieures et des bureaux du likin.

Les marchandises pour lesquelles des passes de transit n'auraient pas été demandées seront passibles de tous les droits de barrière et de likin imposés aux produits indigènes dans l'intérieur du pays.

Art. 7. — Les marchandises achetées par les Français ou des protégés français sur les marchés intérieurs de la Chine peuvent être amenées dans les localités ouvertes de la frontière pour être, de là, exportées au Tonkin, dans les conditions fixées par le 7e règlement annexe du traité du 27 juin 1858 sur le transit des marchandises d'exportation.

Lorsque des marchandises chinoises arriveront dans ces localités pour être exportées, déclaration devra être faite en douane de la nature et de la quantité de ces marchandises, ainsi que du nom de la personne qui les accompagne. La douane fera procéder à la vérification. Celles de ces marchandises qui auraient été achetées à l'intérieur par le négociant muni d'une passe de transit, et qui n'auraient, dès lors, acquitté ni taxe de likin, ni taxe de barrière, auront d'abord à payer le droit de transit inscrit au tarif général de la douane maritime chinoise. Elles payeront ensuite le droit d'exportation du tarif général diminué de 1/3. Les articles non dénommés au tarif resteront passibles du droit de 5 % *ad valorem.* Après l'acquittement de ces taxes, les marchandises pourront sortir librement et être expédiées au-delà de la frontière.

Le négociant qui, ayant acheté des marchandises dans l'intérieur, ne sera pas muni d'une passe de transit, devra acquitter au passage des bureaux de perception les taxes de barrière et de likin; des récépissés devront lui

être délivrés. A son arrivée à la douane, il sera exempté du payement du droit de transit sur le vu de ces récépissés.

Les commerçants français et protégés français important ou exportant des marchandises par les bureaux de douane de la frontière du Yunnan et du Kouang-si et les commerçants chinois important ou exportant des marchandises au Tonkin n'auront à acquitter aucune taxe de péage pour leurs voitures ou leurs bêtes de somme. Sur les cours d'eau navigables franchissant la frontière, les barques pourront être, de part et d'autre, soumises à un droit de tonnage, conformément au règlement de la douane maritime des deux pays.

En ce qui concerne les dispositions du présent article et du précédent, il est convenu entre les Hautes Parties contractantes que, si un nouveau tarif douanier vient à être établi, d'un commun accord, entre la Chine et une tierce puissance pour le commerce par terre sur les frontières sud-ouest de l'Empire chinois, la France pourra en obtenir l'application.

Art. 8. — Les marchandises étrangères qui, n'ayant pu être vendues, seraient, dans un délai de trente-six mois, après avoir acquitté le droit d'importation à l'une des douanes frontières chinoises, réexpédiées vers l'autre douane frontière, seront examinées à la première de ces douanes, et si les enveloppes en sont restées intactes, si rien n'en a été distrait ou changé, elles recevront un certificat d'exemption du montant de la taxe primitivement perçue. Le porteur de ce certificat d'exemption pourra le remettre à l'autre douane frontière à l'acquit du nouveau droit qu'il aura à payer. La douane pourra également délivrer des bons valuables pendant trois ans, pour tout payement ultérieur à faire au même bureau. Il ne sera jamais rendu d'argent.

Si ces mêmes marchandises sont réexpédiées vers un des ports ouverts de la Chine, elles y seront, conformément à la règle générale de la douane maritime chinoise, soumises au droit d'importation, sans qu'on puisse y faire usage de ces certificats ou bons de douanes frontières. Il ne sera pas non plus possible d'y présenter à l'acquit des droits les quittances délivrées par les douanes frontières lors du 1er versement. Quant aux droits de transit, une fois acquittés, ils ne pourront jamais, conformément aux règlements appliqués, dans les ports ouverts, donner lieu à la délivrance de bons ou certificats d'exemption.

Art. 9. — Les marchandises chinoises qui, après avoir acquitté à l'un des bureaux de la frontière les droits de transit et d'exportation, seraient réexpédiés vers l'autre douane frontière pour être vendues, ne seront soumises, à leur arrivée à cette seconde douane, qu'au payement, à titre de droit de réimportation, de la moitié du droit d'exportation déjà perçu. Ces marchandises ne pourront alors, conformément aux règlements établis dans les ports ouverts, être transportées dans l'intérieur par les commerçants étrangers.

Si ces marchandises chinoises sont transportées dans un des ports ouverts de la Chine, elles seront assimilées à des marchandises étrangères, et devront acquitter un nouveau droit entier d'importation, conformément au tarif général de la douane maritime.

Ces marchandises seront admises à payer le droit de transit pour pénétrer dans l'intérieur.

Les marchandises chinoises exportées d'un port de mer de Chine vers un port annamite, pour être, de là, transportées à la frontière de terre et rentrer en suite en territoire chinois, seront traitées comme marchandises étrangères, et devront payer le droit local d'importation. Ces marchandises seront admises à payer le droit de transit pour pénétrer dans l'intérieur.

Art. 10. — Les déclarations en douanes chinoises devront être faites dans les trente-six heures qui suivront l'arrivée des marchandises importées ou exportées, sous peine d'une amende de 50 taëls par chaque jour de retard, sans que cette amende puisse excéder 200 taëls.

Une déclaration inexacte de la quantité des marchandises, s'il est prouvé qu'elle a été faite dans l'intention d'échapper au payement des droits, entraîne pour le marchand la confiscation de ses marchandises. Les marchandises qui, non munies du permis du chef de la douane, seraient clandestinement introduites par des chemins détournés, déballées et vendues, ou qui seraient l'objet d'un acte intentionnel de contrebande, seront intégralement confisquées. Toute fausse déclaration ou manœuvre tendant à tromper la douane, sur la qualité, la quantité, la réelle provenance ou la réelle destination des marchandises appelées à bénéficier des passes de transit, donnera lieu à la confiscation des marchandises. Ces pénalités devront être prononcées dans les conditions et selon la procédure fixées par le règlement du 31 mai 1868.

Dans tous les cas où la confiscation aura été prononcée, le négociant pourra libérer ses marchandises moyennant le versement d'une somme équivalente à leur valeur dûment déterminée par une entente avec les autorités chinoises.

Les autorités chinoises auront toute liberté d'aviser aux mesures à prendre en Chine, le long de la frontière, pour empêcher la contrebande.

Les marchandises descendant ou remontant les voies navigables à bord de bateaux français, annamites ou chinois, ne devront pas être nécessairement débarquées à la frontière, à moins qu'il n'y ait apparence de fraude ou divergence entre l'état de la cargaison et les déclarations du manifeste. La douane ne pourra qu'envoyer à bord desdits bateaux des agents pour en faire la visite.

Art. 11. — Les produits d'origine chinoise importés au Tonkin par la frontière de terre auront à acquitter le droit d'importation du tarif francoannamite. Ils ne payeront aucun droit d'exportation à la sortie du Tonkin. Il sera donné communication au Gouvernement impérial du nouveau tarif que la France établira au Tonkin.

S'il est établi au Tonkin des taxes d'accise, de consommation ou de garantie sur certains articles de production indigène, les produits similaires chinois auront à subir à l'importation des taxes équivalentes.

Art. 12. — Les marchandises chinoises qui seraient transportées à travers le Tonkin d'une des deux douanes frontières vers l'autre douane frontière ou vers un port annamite, pour être de là exportées en Chine, seront soumises à un droit spécifique de transit qui ne dépassera pas

2 % de la valeur; au point de sortie du territoire chinois, ces marchandises devront être reconnues par l'autorité douanière française de la frontière, qui en spécifiera la nature, la quantité et la destination dans des certificats d'origine destinés à être produits à toute réquisition des autorités françaises, durant le parcours à travers le Tonkin, ainsi qu'au port de transbordement.

Afin de garantir la douane franco-annamite contre toute fraude possible, ces produits chinois acquitteront à l'entrée du Tonkin le droit d'importation.

Un passe-debout les accompagnera jusqu'à la sortie, soit par le port de transbordement, soit à la frontière terrestre, et les sommes versées par le propriétaire des marchandises lui seront, déduction faite du droit de transit, restituées à ce moment, s'il y a lieu, en échange du récépissé délivré par les douanes du Tonkin.

Toute fausse déclaration ou manœuvre tendant d'une manière évidente à tromper l'administration française sur la qualité, la quantité, la réelle provenance ou la réelle destination des marchandises appelées à jouir du traitement spécial applicable aux produits chinois qui traverseront le Tonkin en transit, donnera lieu à la confiscation des marchandises.

Dans tous les cas où la confiscation aura été prononcée, le négociant pourra libérer ses marchandises moyennant le payement d'une somme équivalente à leur valeur dûment déterminée par une entente avec les autorités françaises.

Les mêmes règles et la même taxe de transit seront applicables en Annam aux marchandises chinoises qui seraient expédiées d'un port de Chine vers un port annamite pour gagner, de là, les douanes frontières chinoises à travers le Tonkin.

Art. 13. — Les articles suivants:

L'or et l'argent en barres;
La monnaie étrangère;
La farine, la farine de maïs, le sagou;
Le biscuit;
Les conserves de viandes et de légumes;
Le fromage, le beurre, les sucreries;
Les vêtements étrangers;
La bijouterie;
L'argenterie;
La parfumerie;
Les savons de toute espèce;
Le charbon de bois;
Le bois à brûler;
Les bougies et la chandelle étrangères;
Le tabac;
Le vin, la bière, les spiritueux;
Les articles de ménage;
Les provisions pour les navires;
Les bagages personnels;
La papeterie;

Les articles de tapisserie;
La coutellerie;
Les articles de droguerie et les médicaments étrangers;
La verrerie;

Seront vérifiés par la douane chinoise à l'entrée et à la sortie; s'ils sont réellement de provenance étrangère, et destinés à l'usage personnel des étrangers, et s'ils arrivent en quantité modérée, un certificat d'exemption des droits sera délivré, qui en permettra le libre passage à la frontière.

Si ces articles sont soustraits à la déclaration, à la formalité du certificat d'exemption, leur introduction clandestine les rendra passibles d'amendes, au même titre que les marchandises passées en contrebande.

A l'exception de l'or, de l'argent, de la monnaie et des bagages qui resteront exempts de droits, les articles ci-dessus mentionnés destinés à l'usage personnel des étrangers et importés en quantité modérée, payeront, lorsqu'ils seront transportés à l'intérieur de la Chine, un droit de transit de $2^1/_2{}^0/_0$ *ad valorem.*

Les douanes franco-annamites de la frontière ne percevront, à l'entrée comme à la sortie du Tonkin, aucun droit sur les objets suivants d'usage personnel que les Chinois transporteraient avec eux: monnaie, bagages, vêtements, ornements de coiffures de femme, papiers, pinceaux, encre de Chine, livres, mobilier et aliments; soit sur les produits que les Consuls de Chine du Tonkin feraient venir pour leur consommation personnelle.

Art. 14. — Les Hautes Parties contractantes conviennent d'interdire le commerce et le transport de l'opium de toute provenance par la frontière de terre entre le Tonkin, d'une part, et le Yunnan, le Kouangsi et le Kouang-Tong, d'autre part.

Art. 15. — L'exportation du riz et des céréales sera interdite en Chine. L'importation de ces articles s'y fera en franchise de droits. Il sera interdit d'importer en Chine.

La poudre à canon;
Les projectiles;
Les fusils et canons;
Le salpêtre;
Le soufre;
Le plomb;
Le spelter;
Les armes;
Le sel;
Les publications immorales.

En cas de contravention, ces articles seront intégralement confisqués. Si les autorités chinoises faisaient acheter des armes ou des munitions, ou si des négociants recevaient l'autorisation expresse d'en acheter, l'importation en serait permise sous la surveillance spéciale de la douane chinoise. Les autorités chinoises pourront, en outre, après entente avec les Consuls de France, obtenir pour les armes et munitions qu'elles voudraient faire transporter en Chine à travers le Tonkin, l'exemption de tout droit à la douane franco-annamite.

L'introduction au Tonkin d'armes, de munitions de guerre, de publications immorales, est également interdite.

Art. 16. — Les Chinois résidant en Annam seront, sous le rapport de la juridiction en matière criminelle, fiscale ou autre, placés dans les mêmes conditions que les sujets de la nation la plus favorisée. Les procès qui s'élèveront en Chine dans les marchés ouverts de la frontière entre les sujets chinois et les Français ou Annamites, seront réglés, en cour mixte, par des fonctionnaires chinois et français. Pour les crimes ou délits que les Français ou protégés français commettraient en Chine dans les localités ouvertes au commerce, il sera procédé conformément aux stipulations des articles 38, 39 du traité du 27 juin 1858.

Art. 17. — Si, dans les localités ouvertes au commerce à la frontière de Chine, des Chinois déserteurs ou prévenus de crimes qualifiés tels par la loi chinoise se réfugient dans les maisons, ou à bord de barques appartenant à des Français ou à des protégés français, l'autorité locale s'adressera au consul qui, sur la preuve de la culpabilité des prévenus, prendra immédiatement les mesures nécessaires pour qu'ils soient remis et livrés à l'action régulière des lois.

Les Chinois coupables ou inculpés de crimes ou délits qui chercheraient un refuge en Annam seront, à la requête des autorités chinoises, et sur la preuve de leur culpabilité, recherchés, arrêtés et extradés dans tous les cas où pourraient être extradés de France les sujets du pays jouissant du traitement le plus large en matière d'extradition. Les Français et protégés français coupables ou inculpés de crimes ou de délits, qui chercheraient refuge en Chine, seront, à la requête des autorités françaises et sur la preuve de leur culpabilité, arrêtés et remis auxdites autorités pour être livrés à l'action régulière des lois; de part et d'autre, on évitera avec soin tout recel et toute connivence.

Art. 18. — Pour toute difficulté non prévue par les dispositions précédentes, on recourra aux règlements de le douane maritime qui, conformément aux traités existants, sont actuellement appliqués dans les villes et dans les ports ouverts.

Dans le cas où ces règlements seraient insuffisants, les agents des deux pays en référeraient à leurs gouvernements respectifs.

Les présentes stipulations pourront être, aux termes de l'article 8 du traité du 9 juin 1885, revisées dix ans après l'échange des ratifications.

Art. 19. — La présente convention de commerce, après avoir été ratifiée par les deux gouvernements, sera promulguée en France, en Chine et en Annam.

L'échange des ratifications aura lieu à Pékin dans le délai d'un an à compter du jour de la signature de la convention, ou plus tôt si faire se peut.

Fait à Tien-Tsin, en quatre exemplaires, le 25 avril 1886 (correspondant au 22e jour de la lune de la 12e année Kouang-Sin).

Signé: G. Gogordan.
Ed. Bruwaert.

Signature et cachet chinois (Li-Hong-Tchang).

9.

ALLEMAGNE, AUTRICHE-HONGRIE, FRANCE, ITALIE, SUISSE.

Protocole final de la Conférence internationale réunie à Berne du 10 au 15 mai 1886 pour fixer des dispositions de sûreté concernant la fermeture des wagons devant passer en douane; signé à Berne, le 15 mai 1886.*)

Staatsblad van het Koningrijk der Nederlanden, 1895, No. 84.

Originaltext.

Les Délégués des Gouvernements de l'Allemagne, de l'Autriche, de la France, de la Hongrie, de l'Italie et de la Suisse qui ont pris part à la Conférence ouverte à Berne le 10 mai 1886, en vue de s'entendre sur les dispositions de sûreté que doivent présenter au point de vue des douanes les wagons servant aux transports à effectuer par chemins de fer, savoir:

Monsieur Streckert, Conseiller supérieur intime, membre de l'office Impérial des chemins de fer, et

Monsieur Triest, Conseiller intime, plénipotentiaire de l'Empire pour les douanes et les impôts, commissaire de l'administration des douanes,

Délégués du Gouvernement Impérial allemand;

Monsieur François Kamper, Conseiller d'Etat Impérial et Royal, Inspecteur en chef de l'Inspection générale I. et R. des chemins de fer autrichiens,

Délégué du Gouvernement I. et R. autrichien;

Monsieur le Sénateur Cuvinot, et

Monsieur Luuyt, Inspecteur général des Mines, Directeur de l'Ecole supérieure des Mines, tous deux membres du Comité de l'Exploitation technique des chemins de fer, et

Übersetzung.

Die Delegirten der Regierungen Deutschlands, Frankreichs, Italiens, Oesterreichs, der Schweiz und Ungarns zu der am 10. Mai d. J. in Bern zum Zwecke der Vereinbarung von einheitlichen Vorschriften über die zollsichere Einrichtung der Eisenbahnwagen im internationalen Verkehr eröffneten Conferenz, nämlich:

Herr Kaiserlicher Geheimer Oberregierungsrath Streckert, vortragender Rath im Reichs-Eisenbahn-Amt,

Herr Königlich preussischer Geheimer Regierungsrath Triest, Reichsbevollmächtigter für Zölle und Steuern, Commissar der Zollverwaltung,

als Abgeordnete der Kaiserlich deutschen Regierung;

Herr Franz Kamper, K. K. Regierungsrath, Oberinspektor der K. K. Generalinspektion der österreichischen Eisenbahnen,

als Abgeordneter der K. K. österreichischen Regierung;

Herr Senator Cuvinot, und

Herr Luuyt, Generalinspector der Bergwerke, Direktor der höheren Schule für Bergwerke, Mitglieder des Comité für den technischen Eisenbahnbetrieb,

*) V. **N. R. G.** 2e série XIII. 3.

Monsieur Desgranges, Inspecteur des Douanes,

Délégués du Gouvernement de la République française;

Monsieur Louis Kovács, Inspecteur à l'Inspectorat Royal des chemins de fer hongrois,

Délégué du Gouvernement Royal hongrois;

Monsieur l'Ingénieur Gabriel Bussi, Inspecteur Royal supérieur des chemins de fer, et

Monsieur Emile Ghiglione, Directeur des Douanes,

Délégués du Gouvernement Royal italien;

Monsieur Ernest Dapples, Inspecteur technique fédéral des chemins de fer suisses, et

Monsieur Albert Meyer, Directeur général des péages fédéraux,

Délégués du Conseil fédéral suisse,

se sont réunis aujourd'hui en séance de clôture, sous la présidence de

Monsieur le Conseiller fédéral Welti,

et sont convenus, sauf ratification de leurs Gouvernements, des dispositions suivantes:

Article 1.

A. Dispositions générales.

Les wagons et compartiments de wagons employés pour le transport des marchandises et des bagages soumis à la douane doivent être construits en vue d'une fermeture facile et sûre, afin d'empêcher que les marchandises ou bagages enfermés dans l'espace de chargement ne puissent être enlevés ou échangés sans effraction ou sans qu'il reste de ce fait des traces visibles.

Il ne doit se trouver dans les wagons ou compartiments de wagons de ce genre aucun espace caché ou difficile

Herr Zollinspektor Desgranges,

als Abgeordnete der Regierung der französischen Republik;

Her Ludwig Covàcs, Inspektor des K. Ungarischen General-Eisenbahninspektorats,

als Abgeordneter der K. ungarischen Regierung,

Herr Ingenieur Gabriel Bussi, K. Oberinspektor der Eisenbahnen,

Herr Emile Ghiglione, K. Zolldirektor,

als Abgeordnete der K. italienischen Regierung;

Herr Ernst Dapples, eidgenössischer technischer Inspektor der schweizerischen Eisenbahnen,

Herr Albert Meyer, eidgenössischer Oberzolldirektor,

als Abgeordnete des schweizerischen Bundesrathes;

sind heute, unter dem Vorsitz des

Herrn Bundesrath Welti,

zur Schlusssitzung zusammengetreten und haben unter Vorbehalt der Genehmigung ihrer Regierungen folgende Bestimmungen vereinbart:

Artikel 1.

A. Allgemeine Bestimmungen.

Die Wagen und Wagen-Abtheilungen, welche zum Transporte von Zollgütern verwendet werden sollen, müssen leicht und sicher in der Art verschlossen werden können, dass die Hinwegnahme oder der Austausch der unter Verschluss des Ladungsraumes gelegten Waaren ohne Anwendung von Gewalt und ohne Hinterlassung sichtbarer Spuren nicht bewerkstelligt werden kann.

In solchen Wagen oder Wagen-Abtheilungen dürfen sich auch keine geheimen oder schwer zu entdecken-

à découvrir pouvant contenir des marchandises ou des bagages.

Chaque wagon doit porter sur ses deux longs côtés l'indication de son propriétaire et un numéro. Pour les wagons contenant plusieurs compartiments distincts, chacun de ces derniers doit être désigné par une lettre.

B. Dispositions spéciales.

Pour garantir la sûreté de la fermeture de ces wagons, ceux-ci devront satisfaire aux conditions suivantes:

1. Caisse des wagons.

Les parois latérales, le plancher, le toit et toutes les parties du wagon qui forment le compartiment destiné aux marchandises ou aux bagages doivent être fixés de façon qu'il soit impossible de l'extérieur de les détacher et de les remettre en place, sans qu'il en reste des traces visibles.

Toutes ces parties doivent être en bon état.

Les avaries éventuelles des parois des wagons ne pourront rendre ces véhicules impropres à un transport ultérieur que dans le cas où l'on pourrait craindre que les ouvertures résultant de ces avaries permettent d'avoir accès au chargement du wagon.

2. Vide entre les portes roulantes et les parois des wagons.

L'espace vide entre les portes roulantes fermées et la caisse des wagons couverts ne devra dans aucun cas dépasser le maximum de 20 millimètres.

den, zur Aufnahme von Gütern oder Effekten geeigneten Räume befinden.

Jeder Wagen muss an beiden Längsseiten mit einem Eigenthums Merkmal und einer Nummer versehen sein. Befinden sich in einem Wagen mehrere von einander geschiedene Abtheilungen, so ist jede der letzteren mit einem Buchstaben zu bezeichnen.

B. Besondere Bestimmungen.

Behufs Erzielung eines sicheren Verschlusses des Ladungsraumes müssen die betreffenden Wagen insbesondere folgenden Bedingungen entsprechen:

1. Wagenkasten.

Die Seitenwände, der Fussboden, das Dach und alle den Laderaum bildenden Theile des Wagens müssen derart befestigt sein, dass ein Lösen und Wiederbefestigen derselben von Aussen nicht geschehen kann, ohne sichtbare Spuren zurückzulassen.

Alle diese Theile müssen sich in gutem Zustande befinden.

Zufällige Beschädigungen der Wagenwände machen den Wagen nur dann für den Weitertransport ungeeignet, wenn durch die etwa dabei entstandenen Wandöffnungen ein Zugang zur Ladung zu befürchten steht.

2. Abstand zwischen den Schiebethüren und den Kastentheilen.

Der Zwischenraum zwischen den Schiebethüren in geschlossenem Zustande und den Kastentheilen der bedeckten Wagen darf in keinem Fall das Maximum von 20 Millimeter überschreiten.

3. Appareil de fermeture des portes roulantes.

Chaque porte roulante de wagon devra être munie d'un crochet à piton ou d'un autre mode de fermeture offrant la même sécurité.

La fixation de ces appareils de fermeture doit être telle que les portes étant fermées, ils ne puissent être enlevés sans qu'on emploie la violence et qu'il en reste des traces visibles.

4. Pitons de fermeture douanière.

Les portes roulantes, les portes à vantaux, les portes des parois de tête, en un mot toutes les portes utilisables des wagons couverts devront être pourvues de pitons ayant, dans œuvre, un diamètre d'au moins 15 millimètres, ou d'autres pièces de fermeture permettant d'introduire les cadenas douaniers et les plombs douaniers, de façon qu'il soit impossible d'ouvrir les portes sans violer la fermeture douanière.

Ces pitons ou autres pièces de fermeture douanière devront être fixés aux wagons au moyen de rivets, ou de boulons dont l'écrou soit tourné en dedans ou ne soit pas accessible une fois la porte fermée.

Les dispositions qui précèdent seront rigoureusement applicables cinq ans après la ratification des présentes. Jusqu'a l'expiration de ce délai, on tolérera réciproquement l'emploi de plombs douaniers ou de cadenas douaniers.

5. Fermeture de sûreté des portes roulantes.

La partie inférieure de la porte doit être munie d'un appareil de sûreté destinë à rendre impossible l'enlèvement de la porte roulante hors du rail sur lequel elle se meut.

3. Verschluss der Schiebethüren.

Jede Schiebethür der Wagen muss mit einem Einfallhaken oder einer andern gleiche Sicherheit gewährenden Verschlussvorrichtung versehen sein.

Die Befestigung dieser Verschlüsse soll derart beschaffen sein, dass deren Entfernung bei verschlossenen Thüren ohne Anwendung von Gewalt und Hinterlassung auffallender Spuren nicht möglich ist.

4. Zollverschlussösen.

Die Schiebethüren, Flügelthüren, Stirnwandthüren und überhaupt alle in Benutzung stehenden Thüren der bedeckten Wagen müssen mit Oesen von mindestens 15 Millimeter lichter Weite oder andern Verschlussstücken versehen sein, welche ein Einhängen von Zollschlössern und von Zollbleien gestatten, derart, dass ein Oeffnen dieser Thüren ohne Verletzung des Zollverschlusses nicht möglich ist.

Diese Verschlussösen oder sonstigen Zollverschlussstücke müssen mittelst Nieten oder Schrauben, deren Muttern innen liegen, oder die bei geschlossener Thür unzugänglich sind, an den Wagen befestigt sein.

Die hier genannten Bestimmungen treten in vollem Umfange in Kraft fünf Jahre nach der Ratification gegenwärtiger Vereinbarung. Bis dahin wird man sich gegenseitig mit der Anwendbarkeit von Zollbleien oder von Zollschlössern begnügen.

5. Sicherheitsverschluss der Schiebethüren.

Die untere Thürseite soll mit einer besondern Versicherung versehen sein, welche ein Abheben oder Abziehen der Schiebethür von der Laufschiene unmöglich macht.

Cet appareil peut consister, par exemple, en un crochet qui, lorsque la porte est fermée, se trouve engagé dans un piton rivé sur le rail, ou en un prolongement de la ferrure du montant de la porte jusque sous la tête du rail ou sous le rail, lui-même, ou en une cornière ou un étrier rivés sur le rail, etc. Par exception, l'appareil de sûreté peut consister en une ferrure à trous qui permette dès maintenant l'emploi des plombs douaniers et, à l'expiration du délai de cinq années fixé sous le numéro précédent, l'emploi des cadenas douaniers et des plombs douaniers. Les porte-galets devront être fixés de façon à ne pouvoir être enlevé sans effraction.

Diese Versicherung kann z. B. bestehen in einem Haken, welcher beim Verschluss der Thür in eine an der Laufschiene festgenietete Oese eingreift, oder in einer Verlängerung des inneren Thürbandes bis unter die Laufschiene oder deren Kopf, oder in der Anordnung eines festgenieteten Winkels oder Bügels an der Laufschiene selbst u. s. w. Ausnahmsweise kann diese Versicherung auch in einem gelochten Lappen bestehen, der von jetzt an die Anwendung von Zollbleien, und nach Ablauf einer Frist von fünf Jahren, wie in voriger Nummer, die Anwendung von Zollschlössern und Zollbleien gestattet. Die Laufrollenhalter sollen derart befestigt sein, dass dieselben ohne Anwendung von Gewalt nicht abgenommen werden können.

6. Rails des portes roulantes.

Les rails des portes roulantes devront être rivés sur au moins deux de leurs supports. Ces derniers devrot eux-mêmes être fixés à la caisse du wagon de telle sorte qu'ils ne puissent en être détachés sans user de violence et sans qu'il reste de ce fait des traces visibles.

6. Schiebethür-Laufschiene.

Die Laufschienen sollen an wenigstens zweien ihrer Träger festgenietet sein. Diese Träger sollen mit den festen Kastentheilen so verbunden sein, dass bei geschlossenem Wagen die Abnahme derselben nur mit Gewalt und Hinterlassung auffallender Spuren möglich ist.

7. Guidage du haut des portes roulantes.

Les portes roulantes devront, à leur partie supérieure, être guidées par des barres ou des rails à coulisse convenablement fixés au wagon.

7. Obere Schiebethür-Führung.

Die Führung des obern Theiles der Schiebethüren soll durch entsprechend befestigte Stangen oder Kulissenschienen gesichert sein.

8. Portes à vantaux et portes de tête.

Pour les wagons couverts avec portes à vantaux (wagons à bière par exemple) ou portes aux parois de tête, ces portes devront, en outre de l'appareil de fermeture et de ferrures ne pouvant être détachées de l'extérieur,

8. Flügelthüren und Stirnwandthüren.

Bei den bedeckten Wagen mit Flügelthüren (z. B. Bierwagen) oder mit Stirnwandthüren, müssen diese Thüren ausser mit der Verschlussvorrichtung und mit von aussen nicht abnehmbaren Thürbändern auch mit

être munies d'un appareil de fermeture douanière satisfaisant aux conditions spécifiées sous le numéro 4, de façon qu'elles ne puissent être ouvertes sans que la fermeture douanière soit endommagée.

Les portes de tête non utilisées (par exemple pour les wagons diposés en vue du service d'ambulance) devront être fermées à demeure par un lambrisage, des lattes ou des ferrures offrant toute sécurité au point de vue douanier.

einer den Bedingungen der Nummer 4 entsprechenden Zoll-Verschlussvorrichtung versehen sein, so dass ein Oeffnen dieser Thüren ohne Beschädigung des Zollverschlusses nicht möglich ist.

Unbenützte Stirnwandthüren (z. B. an Wagen, welche zum Sanitätsdienst vorbereitet sind) müssen durch Verschalungen, Leisten oder Eisenbänder zollsicher geschlossen gehalten werden.

9. Fenêtres et ouvertures pour la ventilation.

Lorsque les ouvertures pratiquées dans les wagons couverts, telles que fenêtres et ouvertures pour la ventilation, seront fermées par des barreaux, des grillages ou des tôles percées, les vides restants ne devront pas dépasser 30 centimètres carrés de telle façon que le contenu du wagon ne puisse être enlevé à travers ces ouvertures. Aucune des pièces servant à fixer les grillages ne doit pouvoir être détachée de l'exterieur du wagon.

Si les ouvertures en question sont fermées, non par un grillage, mais au moyen de guichets à glissières ou à battant, ces pièces devront être fixés, savoir:

les guichets à battant ou à glissières horizontales, à l'aide de happes, de verroux, de crochets, de clavettes, ou de tout autre mode analogue de fermeture,

les guichets à glissières verticales, soit à l'aide des modes de fermeture qui viennent d'être énumérés, soit à l'aide d'une fermeture douanière répondant aux prescriptions du numéro 4, c'est-à-dire à l'aide de cadenas douaniers ou de cordes munies de plombs douaniers,

de façon qu'on ne puisse ouvrir

9. Fenster und Lüftungsöffnungen.

Wenn die in den bedeckten Wagen vorhandenen Oeffnungen, als Fenster und Lüftungsöffnungen, durch Eisenstäbe, Gitter oder gelochte Bleche vergittert sind, so dürfen die verbleibenden Oeffnungen 30 Quadratcentimeter nicht überschreiten, so dass durch die Oeffnungen eine Beraubung des Wageninhaltes nicht erfolgen kann. Kein Befestigungstheil der Vergitterung darf von der Aussenseite des Wagens abzulösen sein.

Wenn die genannten Oeffnungen nicht durch eine Vergitterung, sondern durch Schieber oder Klappen versichert sind, so müssen diese wie folgt befestigt sein:

die Klappen oder die horizontalen Schieber mittelst Vorreiber, Riegel, Einfallhaken, Kloben oder dergleichen,

die vertikalen Schieber entweder mittelst der soeben aufgezählten Einrichtungen oder, wenn sie mit einer den Vorschriften der Nummer 4 entsprechenden Zollverschlussvorrichtung versehen sind, mittelst Zollschlösser oder Zollbleie,

und zwar derart, dass ein Oeffnen

les guichets du dehors sans effraction ni sans qu'il reste de ce fait des traces visibles, ou sans rupture de la fermeture douanière.

Les trous d'écoulement ménagés dans les planchers doivent être grillés, lorsque leur diamètre dépasse 35 millimètres.

10. Cages sur la toiture des wagons.

Pour les cages ménagées sur la toiture des wagons, fermées par des guichets ou des couvercles, on se conformera, en ce qui concerne le mode d'attache et de fermeture de ces derniers, aux dispositions stipulées sous les numéros précédents.

11. Wagons avec parois à claire-voie.

Les wagons avec parois à claire-voie, tels par exemple que les wagons à bestiaux, qui satisferont du reste aux conditions ci dessus, ne pourront être employés que pour le transport de colis assez volumineux pour que leur enlèvement soit impossible à travers les claires-voies.

12. Wagons ouverts à couvertures partielles fixes.

Les wagons ouverts, dont les parois de tête sont réunies par une forte barre et munies de couvertures partielles fixes d'au moins 75 centimètres de largeur, et dont les parois longitudinales ont au moins 50 centimètres de hauteur, peuvent, s'ils sont pourvus d'anneaux pour assujettir les bâches, être employés avec ces dernières pour le transport de marchandises douanables de toute espèce.

13. Autres wagons ouverts.

Les autres wagons ouverts pourvus

derselben von Aussen ohne Anwendung von Gewalt und ohne Hinterlassung auffallender Spuren, oder ohne Zerstörung des Zollverschlusses, nicht möglich ist.

Abflussöffnungen in den Fussböden bedürfen einer Vergitterung, wenn sie mehr als 35 Millimeter Durchmesser haben.

10. Dachaufsätze.

Für Dachaufsätze, welche durch Schieber oder Deckel geschlossen sind, gelten bezüglich der Befestigungsart und des Verschlusses derselben die in den vorhergehenden Nummern festgesetzten Bestimmungen.

11. Güterwagen mit durchbrochenen Wänden.

Wagen mit durchbrochenen Wänden, wie z. B. Viehtransportwagen, welche sonst den vorstehenden Bedingungen entsprechen, können nur zum Transporte so grosser Frachtstücke verwendet werden, das ihre Entfernung durch diese Wandöffnungen nicht möglich ist.

12. Offene Wagen mit festen Verdeckstücken.

Offene Wagen, deren Kopfwände durch eine starke Stange mit einander verbunden und mit mindestens 75 Centimeter breiten Verdeckstücken versehen und deren Seitenwände mindestens 50 Centimeter hoch sind, können, wenn sie mit Ringen zur Befestigung von Schutzdecken ausgerüstet sind, unter Verwendung solcher Decken zur Beförderung von Zollgütern aller Art benutzt werden.

13. Offene Wagen anderer Art.

Offene Wagen anderer Art, welche

d'anneaux ou d'autres pièces permettant d'assujettir des bâches peuvent être employés pour le transport de marchandises devant passer en douane, lorsqu'il s'agit de colis pesant chacun au moins 25 kilogrammes ou de marchandises dont le chargement dans des wagons couverts ou sur les wagons ouverts mentionnés au numéro 12 n'est guère admissible ou n'est pas usuel, soit en raison de leur volume (grosses machines, pièces de machines, chaudières à vapeur, etc.), soit en raison de leur nature (bois, coton, charbons, cokes, sable, pierres, minerais, fers bruts ou vieux fers de toute espèce, fers en barres, bestiaux, harengs, huiles de poissons, pétrole, etc.).

Dans le cas particulier du présent numéro, il est laissé aux autorités douanières le soin de décider, conformément aux instructions qui leur seront données par les administrations supérieures douanières, si, pour prévenir l'enlèvement ou l'échange de ces marchandises, il est nécessaire de les couvrir d'une bâche, de leur apposer de plombs de contrôle ou de prendre d'autres mesures de sécurité, ou enfin s'il y a lieu de faire, par exception, abstraction générale d'une fermeture ou d'autres mesures pour assurer l'identité de ces marchandises. L'autorité compétente peut aussi faire accompagner ces chargements.

Les instructions données par les administrations de chaque Etat pour l'exécution du paragraphe précédent seront portées à la connaissance des autres Etats contractants.

14. Bâches et leur mode d'attache.

Les anneaux pour l'attache des bâches doivent être fermés et soudés,

mit Ringen oder anderen zur Befestigung von Schutzdecken geeigneten Vorrichtungen versehen sind, können zur Beförderung von Zollgütern dann benutzt werden, wenn es sich um Frachtstücke, welche einzeln mindestens 25 Kilogramm wiegen, oder um solche Güter handelt, deren Verladung in bedeckte Wagen oder in offene Wagen der unter Nummer 12 bezeichneten Art wegen ihres Umfanges (wie grosse Maschinen, Maschinentheile, Dampfkessel u. s. w.) oder sonstigen Beschaffenheit (wie Holz, Baumwolle, Kohlen, Coaks, Sand, Steine, Erze, Roh- und Bruch-eisen aller Art, Stabeisen, Vieh, Heringe, Thran, Petroleum u. s. w.) nicht wohl zulässig, bezw. nicht üblich ist.

Für den vorstehenden Fall bleibt es den Zollbehörden überlassen, gemäss den ihnen von den Direktivbehörden gegebenen Instruktionen zu entscheiden, ob zur Sicherung gegen Entfernung oder Vertauschung Deckenverschluss anzubringen ist, oder Erkennungsbleie anzulegen, oder andere Massregeln zu treffen sind, oder ob ausnahmsweise von einem Verschluss oder andern Massregeln zur Festhaltung der Identität überhaupt abzusehen sein möchte. Auch kann amtliche Begleitung eintreten.

Die von den Direktivbehörden jedes Staates zur Ausführung des vorstehenden Absatzes erlassenen Verordnungen sollen den andern Vertragsstaaten mitgetheilt werden.

14. Schutzdecken und deren Befestigung.

Die zur Befestigung von Schutzdecken bestimmten Ringe müssen geschlossen

fixés par des pitons rivés ou avec des écrous à l'intérieur du wagon, et placés à une distance maximum de 115 centimètres, à peu près au niveau du plancher du wagon, et cela soit alternativement aux parois latérales mobiles ou aux portes et aux traverses fixes de tête, soit encore au châssis inférieur lui-même, de telle sorte que la corde de fermeture empêche, le cas échéant, d'enlever les parois mobiles ou d'ouvrir les portes.

Les bâches doivent être pourvues sur leurs bords d'ouvertures garnies d'oeillets métalliques, dans lesquels passe la corde de fermeture, et échelonnés à peu près à la même distance les uns des autres que les anneaux fixés au wagon. On ne pourra employer des anneaux pour la fermeture des bâches qu'à leur partie supérieure.

Les bâches devront être de grandeur suffisante et en état convenable pour le but cherché. Les coutures, même pour les pièces rapportées, devront se trouver à l'intérieur, ou être doubles, c'est-à-dire formées de deux lignes de points-de-fil distantes de 15 à 25 millimètres.

Les cordes de fermeture devront être d'une seule pièce et pourvues aux deux extrémités de pointes métalliques. En arrière de ces pointes, il doit être réservé des oeillets permettant, une fois les extrémités de la corde bien et dûment nouées, d'en effectuer la fermeture douanière.

zusammengeschweisst, mittelst Kloben im Innern des Wages vernietet oder verschraubt und entweder abwechslungsweise an den abnehmbaren Seitenwänden bezw. den Thüren und den festen Kopfschwellen, oder am Untergestelle etwa in Höhe der Fussbodeneinfassung in einer Maximalentfernung von 115 Centimeter so angebracht sein, dass die Verschlussschnur sowohl das Abheben der etwa vorhandenen beweglichen Seitenwänden als auch das Oeffnen der Thüren verhindert.

Die Schutzdecken müssen längs der Kanten mit durch Metallösen geschützten, zum Durchziehen der Verschlussleine bestimmten Löchern, welche etwa in denselben Entfernungen wie die Ringe an den Wagen angeordnet sind, eingerichtet sein. Nur an den obern Theilen der Decken sind Ringe zum Verschluss zulässig.

Die Decken müssen von ausreichender Grösse und in entsprechend gutem Zustande sein. Etwaige Nähte derselben, selbst bei eingesetzten Theilen, müssen sich entweder auf der Innenseite befinden oder doppelt, d. h. in zwei Linien von 15—25 Millimeter Abstand angeordnet sein.

Die Verschlussleinen dürten nicht gestückelt und müssen an beiden Enden mit Metallspitzen versehen sein. Hinter diesen Spitzen müssen Oesen eingearbeitet sein, in welche nach entsprechender Verknüpfung der Leinenenden der Zollverschluss eingehängt werden kann.

Article 2.

Les Gouvernements intéressés feront connaître au Conseil fédéral suisse avant le 1er janvier 1887 la résolution qu'ils auront prise à l'égard des dispositions faisant l'objet de l'article 1er.

Artikel 2.

Die betheiligten Staaten werden vor dem 1. Januar 1887 dem schweizerischen Bundesrathe ihre Erklärung über die Genehmigung dieser Vereinbarung abgeben.

Article 3.

La Convention entrera en vigueur trois mois après le jour où le Conseil fédéral aura fait savoir aux Gouvernements intéressés qu'elle a été définitivement adoptée par tous les Etats intéressés.

Article 4.

Chacun des Etats intéressés se réserve le droit de proposer en tout temps au Conseil fédéral suisse la révision des dispositions convenues, en exposant les motifs qui lui dictent sa demande, et en indiquant la date à laquelle il désire voir fixer l'ouverture des négociations y relatives.

A défaut d'entente, l'Etat qui aura fait la proposition aura le droit de se considérer comme n'étant plus lié par la Convention dès l'expiration d'un délai de six mois à partir de la date proposée pour l'ouverture des négociations.

Fait et signé en six exemplaires, à Berne, le 15 Mai 1886.

(Signé) *Streckert.*
Triest.
F. Kamper.
Cuvinot.
P. Luuyt.
Desgranges.
Kovács.
G. Bussi.
E. Ghiglione.
E. Dapples.
Meyer.

Artikel 3.

Diese Vereinbarung tritt drei Monate nach demjenigen Tage in Kraft, an welchem der schweizerische Bundesrath den betheiligten Regierungen von der Genehmigung Kenntniss gegeben hat.

Artikel 4.

Dem einzelnen betheiligten Staate bleibt es vorbehalten, jederzeit eine Revision der vereinbarten Bestimmungen unter Darlegung des vorliegenden Anlasses und Bezeichnung eines diessfälligen Verhandlungstermins beim schweizerischen Bundesrathe zu beantragen.

Für den Fall, dass eine Verständigung nicht herbeigeführt wird, steht es dem antragstellenden Staate zu, von der Vereinbarung sechs Monate nach jenem Termin zurückzutreten.

So geschehen und in sechs Exemplaren unterzeichnet in Bern, am 15. Mai 1886.

(gez.) *Streckert.*
Triest.
F. Kamper.
Cuvinot.
P. Luuyt.
Desgranges.
Kovács.
G. Bussi.
E. Ghiglione.
E. Dapples.
Meyer.

10.

GRANDE-BRETAGNE.

Extrait de la loi anglaise de 1887 sur les marques de commerce.

Bulletin international des douanes. Fascicule 2, 2e édition, Bruxelles 1896.

Section XVI. — Attendu qu'il importe d'édicter des mesures nouvelles pour empêcher l'importation de marchandises qui, mises en vente, seraient passibles de confiscation en vertu de la présente loi, il est arrêté ce qui suit:

1. Est interdite l'importation dans le Royaume-Uni de toutes les marchandises de cette espèce, ainsi que de toutes celles de fabrication étrangère, qui portent un nom ou une marque de fabrique appartenant à un industriel, marchand ou commerçant du Royaume-Uni ou imitant ce nom ou cette marque, à moins que ledit nom et ladite marque ne soient accompagnés de l'indication exacte du pays où ces marchandises ont été produites ou manufacturés, et, en vertu de la présente section, ces marchandises seront comprises parmi es articles prohibés à l'importation, comme si elles étaient spécialement dénommées dans la section XLII du Customs Consolidation Act de 1876.

2. Avant de saisir ces marchandises ou de prendre d'autres mesures en vue de leur confiscation, conformément à la loi sur les douanes, les commissaires des douanes peuvent, en vertu de la présente loi, requérir l'application des règlements établis dans la présente section et relatifs aux avis, cautions, formalités et autres matières et s'assurer, en vertu de ces règlements, si les marchandises tombent sous s'application des prohibitions qui font l'objet de la présente section.

3. Les commissaires des douanes peuvent, de temps en temps, édicter, rapporter ou modifier des règlements généraux ou spéciaux sur la saisie et la confiscation des marchandises, dont l'importation est interdite en vertu de la présente section, et sur les formalités à observer, le cas échéant, avant de procéder à la saisie et à la confiscation. Ils peuvent également déterminer les renseignements, avis es cautions à fournir et établir les modes de preuves applicables dans l'espèce, ainsi que la manière d'en constater la véracité.

4. Si les marchandises portent l'indication d'un nom de localité identique à celui d'une localité du Royaume-Uni ou tendant évidemment à le laisser supposer, ce nom, à moins qu'il ne soit accompagné de celui du pays dans lequel la localité est située, sera, pour l'application de la présente section, considéré comme étant le nom d'une localité du Royaume-Uni.

5. La réglementation prévue ci-dessus peut se faire, soit au moyen de dispositions applicables à toutes les marchandises en général dont l'importation est interdite par la présente section, soit en stipulant des prescriptions spéciales applicables aux diverses classes de ces marchandises ou aux infractions qui les concernent.

6. L'établissement et l'application des règlements par les commissaires des douanes et, en général, l'application par eux des dispositions de la présente section, qu'ils agissent de leur propre initiative ou en exécution d'ordres reçus, seront soumis au contrôle des commissaires du Trésor de Sa Majesté.

7. Les règlements peuvent stipuler que le dénonciateur remboursera aux commissaires des douanes tous les frais et dommages résultant de la saisie pratiquée sur sa dénonciation et des mesures adoptées à l'occasion de cette saisie.

8. Tous les règlements établis en vertu de cette section seront publiés dans la London Gazette et dans le Board of Trade Journal.

9. La présente section sortira ses effets comme si elle faisait partie du Customs Consolidation Act de 1876 et s'appliquera en conséquence à l'île de Man comme au Royaume-Uni.

11.

ÉTATS-UNIS D'AMÉRIQUE, RUSSIE.

Convention concernant l'extradition des malfaiteurs; signée à Washington le 28/16 mars 1887.*)

Conventions concluded by the United States of America with foreign nations.

The United States of America and His Majesty the Emperor of all the Russias having thought proper, with a view to the better administration of justice, and for the prevention of crime in their respective territories and jurisdictions, that persons convicted of, or charged with, any of the crimes hereinafter enumerated, and having escaped from justice, should, in certain cases, be reciprocally delivered up, have resolved to conclude a Convention to this end, and have named as their Plenipotentiaries, to wit:

The President of the United States of America, Thomas F. Bayard, Secretary of State of the United States; and His Majesty the Emperor of all the Russias, Charles Struve, His Master

Les Etats Unis d'Amérique et Sa Majesté l'Empereur de toutes les Russies ayant jugé opportun, en vue d'une meilleure administration de la justice et pour prévenir les crimes dans leurs territories et jurisdictions respectifs, que les individus condamnés ou accusés du chef des crimes ci-après énumérés et qui se seraient soustraits par la fuite aux poursuites de la justice, fussent, dans certaines circonstaces, réciproquement extradés, ont resolu de conclure une convention dans ce but et ont nommé pour leurs plénipotentiaires, savoir:

Le Président des Etats Unis d'Amerique, Thomas F. Bayard, Secrétaire d'Etat des Etats-Unis; et Sa Majesté l'Empereur de toutes les Russies, Charles Struve, Son Maître de la Cour,

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*) L'échange des ratifications a eu lieu à St. Pétersbourg le 21/9 avril 1893.

of the Court, Envoy Extraordinary and Minister Plenipotentiary near the Government of the United States of America, and Baron Romain Rosen, His Gentleman in Waiting, Councillor of State, and Consul-General at New York; who, having communicated to each other their full powers found to be in good and due form, have agreed upon the following articles:

Article 1.

The High Contracting Parties reciprocally agree to surrender to each other, upon mutual requisitions and according to their respective regulations and procedure, persons who, being charged with, or convicted of, the commission, in the territory of one of the consracting parties, of any of the crimes and offenses specified in the following article, shall seek an asylum or be found within the territory of the other: Provided, That this shall only be done upon such evidence of criminality as, according to the laws of the place where the fugitive or person so charged shall be found, would justify his or her apprehension and commitment for trial if the crime or offense had been there committed.

Article 2.

Persons convicted of, or charged with, any of the following crimes, as well as attempts to commit, or participation in, the same, as an accessory before the fact, provided such attempt or participation is punishable by the laws of both countries, shall be delivered up in virtue of the provisions of this Convention:

1. Murder and manslaughter, when voluntary.
2. Rape, abortion.
3. Arson.

Envoyé Extraordinaire et Ministre Plénipotentiaire près le Gouvernement des Etats-Unis d'Amérique et le Baron Romain Rosen, Son Gentilhomme de la Chambre, Conseiller d'Etat et Consul-Général à New-York; Lesquels, après s'être communiqué leurs pleins pouvoirs, trouvés en bonne et due forme, sont convenus des articles souivants:

Article 1.

Les Hautes Parties contractantes s'engagent réciproquement à se livrer à la suite de requisitions mutuelles et conformément à leurs lois et modes de procédure respectifs, les individus qui, poursuivis ou condamnés du chef de l'un des crimes et délits énumerés à l'article suivant, commis sur le territoire de l'une des parties contractantes, chercheront un asile ou seront trouvés sur le territoire de l'autre. Toutefois l'extradition n'aura lieu que dans le cas où l'existence de l'infraction sera constatée de telle manière que les lois du pays où le fugitif ou la personne poursuivie sera trouvée, justifieraient sa detention et sa mise en jugement, si le crime ou délit y avait été commis.

Article 2.

Seront livrés en vertu des dispositions de la presente Convention, les individus condamnés ou poursuivis du chef de l'un des crimes suivants, y compris les cas de tentative et de participation: comme complice antérieur au fait pourvu que cette tentative ou participation soit punissable selon la legislation des deux pays.

1. Meurtre et "manslaughter" volontaire.
2. Viol et le crime de provoquer un avortement.
3. Incendie.

4. Burglary, defined to be the act ot breaking, and entering by night, into the dwelling-house of another, with intent to commit felony: robbery, defined to be the act of feloniously and forcibly taking from the person of another money or goods, by violence or putting him in fear; larceny, when the value of the property stolen shall exceed two hundred dollars, or three hundred roubles.

5. Forgery; and the utterance of forged papers, including public, sovereign, or governmental acts.

6. The fabrication or circulation of counterfeit money, either coin or paper, or of counterfeit public bonds, coupons of the public debt, bank notes, obligations, or, in general, of any counterfeit title or instrument of credit; the counterfeiting of seals and dies, impressions, stamps, and marks of state and public administrations, and the utterance thereof.

7. The embezzlement of public moneys by public officers or depositaries.

8. Embezzlement by any person or persons, hired or salaried, to the detriment of their employers, when the value of the property so taken shall exceed two hundred dollars, or three hundred roubles.

9. Piracy, or mutiny on shipboard, whenever the crew, or part thereof, shall have taken possession of the vessel by fraud or by violence against the commander.

10. Wilful or unlawful destruction or obstruction of railroads which endangers human life.

4. „Burglary" consistant dans l'action de s'introduire nuitamment et avec effraction ou escalade dans l'habitation d'autrui avec une intention criminelle: "robbery" consistant dans l'enlèvement forcé et criminel, effectué sur la personne d'autrui, d'argent ou d'effets, à l'aide de violence ou d'intimidation; vol, lorsque la valeur de l'argent ou des objets volés dépasse la somme de deux cents dollars ou trois cents roubles.

5. Crime de faux ainsi que l'emission de documents falsifiés, y compris les actes publics du Gouvernement ou de l'autorité souveraine.

6. Fabrication ou mise en circulation de fausse monnaie, ou de faux papier-monnaie ou de faux titres ou coupons de la dette publique, de faux billets de banque, de fausses obligations, ou, en général, de tout faux titre ou instrument de crédit quelconque; contrefaçon de sceaux, empreintes, timbres ou marques de l'État et des administrations publiques et mise en circulation de pièces ainsi marquées.

7. Détournement de deniers publics commis par des officiers ou dépositaires publics.

8. Détournement commis par toute personne ou personnes employées ou salariées, au détriment de ceux qui les emploient, lorsque la valeur de l'argent ou des effets ainsi détournés dépasse la somme de deux cents dollars ou trois cents roubles.

9. Piraterie ou rébellion à bord d'un navire, lorsque l'équipage ou partie de celui-ci aura pris possession du navire par fraude ou violence envers le commandant.

10. Obstruction ou destruction volontaire ou illégale de voies ferrées qui mette en danger la vie humaine.

Article 3.

If it be made to appear that extradition is sought with a view to try or punish the person demanded for an offense of a political character, surrender shall not take place; nor shall any person surrendered be tried or punished for any political offense committed previously to his extradition, nor for any offense other than that for which the extradition was granted; nor shall the surrender of any person be demanded for an offense committed prior to the date at which this Convention shall take effect.

An attempt against the life of the head of either Government, or against that of any member of his family, when such attempt comprises the act either of murder or assassination or of poisoning, or of accessoriship thereto, shall not be considered a political offense or an act connected with such an offense.

Article 4.

The contracting parties shall not be required to deliver up their own citizens or subjects, in virtue of the stipulations of the present Convention.

Article 5.

If the person demanded be held for trial in the country on which the demand is made, it shall be optional with the latter to grant extradition, or to proceed with the trial: Provided, that, unless the trial shall be for the crime for which the fugitive is claimed, the delay shall not prevent ultimate extradition.

Article 3.

L'extradition n'aura pas lieu, lorsqu'il sera prouvé qu'elle a été demandée dans le but de poursuivre ou de punir la personne réclamée pour un délit d'un caractère politique; aucun individu extradé ne pourra être poursuivi ou puni ni pour un délit politique commis antérieurement à son extradition ni pour aucun délit autre que celui pour lequel son extradition a été accordée; l'extradition ne pourra être demandée pour aucun délit commis antérieurement à la date à laquelle la présente Convention sera entrée en vigueur.

Ne sera pas réputé delit politique, ni fait connexe á un semblable délit, l'attentat contre la vie du chef de l'un ou de l'autre Etat contractant ou contre celle des membres de sa famille, lorsque cet attentat constituera soit le fait, soit la complicité, de meurtre d'assassinat ou d'empoisonnement.

Article 4.

Les parties contractantes ne seront point obligées de se livrer leurs propres citoyens ou sujets en vertu des stipulations de la présente convention.

Article 5.

Lorsque la personne réclamée aura été mise en jugement dans le pays au Gouvernement duquel la demande d'extradition est adressée, ce Gouvernement est libre, soit d'accorder l'extradition, soit de poursuivre le procés intenté: il demeure entendu cependant que ce délai ne devra pas empêcher l'extradition ultérieure du fugitif, à moins que ce proces ne lui ait été intenté pour le même crime qui avait motivé la demande de son extradition.

Article 6.

Requisitions for the surrender of fugitives from justice, accused or convicted of any of the crimes or offenses hereinbefore mentioned, shall be made by the diplomatic agent of the demanding Government. In case of the absence of such agent either from the country or from the seat of Government, such requisitions may be made by the superior consular officer.

When the person whose surrender is requested shall already have been convicted of the crime or offense for which his extradition is demanded, the demand therefor shall be accompanied by a copy of the judgment of the court that pronounced the sentence, bearing the seal of said court. The signature of the judge thereof shall be authenticated by the proper executive officer of the demanding Government, whose official character shall, in turn, be attested by the diplomatic agent or superior consular officer of the Government on which the demand is made.

When the person whose surrender is asked shall be merely charged with the commission of an extraditable crime or offense, the application for extradition shall be accompanied by an authenticated copy of the warrant of arrest or of some other equivalent judicial document issued by a judge or a magistrate duly authorized to do so; and likewise by authenticated copies of the depositions or declarations made before such judge or magistrate and setting forth the acts with which the fugitive is charged.

Article 7.

It shall be lawful for any competent judicial authority of the United States, upon production of a certifi-

Article 6.

Le demandes tendant à la remise des fugitifs, accusés ou condamnés du chef d'un des crimes ou délits ci-dessus enumérés, seront fait par l'agent diplomatique du Gouvernement requérant. En cas d'absence de cet agent, soit du pays, soit du siège du Gouvernement, ces demandes pourront être faites par l'agent consulaire supérieur.

Lorsque la personne réclamée aura déja été condamnée à raison du crime ou du délit qui a motivé la demande d'extradition, cette demande devra être accompagnée d'une expédition authentique de l'arrêt de la cour qui a prononcé la sentence, munie du sceau de cette cour. La signature du juge devra être legalisée par l'agent compétent du pouvoir exécutif du Gouvernement requérant, dont le caractère officiel sera, à son tour, attesté par l'agent diplomatique ou l'agent consulaire supérieur du Gouvernement auquel la demande est addressée.

Lorsque la personne réclamée sera seulement prévenue d'un crime ou délit pouvant motiver son extradition, la demande d'extradition devra être accompagnée d'une copie authentique du mandat d'arrêt ou d'un autre document judiciaire équivalent, délivré par un juge ou un magistrat dûment autorisé à cet effet, ainsi que des dépositions ou déclarations faites devant ce juge ou magistrat et énonçant les actes dont le fugitif est prevenu.

Article 7.

Sur la présentation d'un certificat délivré par le Secretaire d'Etat constatant que le Gouvernement Impérial

cate issued by the Secretary of State, stating that request has been made by the Imperial Government of Russia for the provisional arrest of a person convicted or accused of the commission therein of a crime or offense extraditable under this Convention, and upon complaint, duly made, that such crime or offense has been so committed, to issue his warrant for the apprehension of such person. But if the formal requisition for surrender, with the formal proofs hereinbefore mentioned, be not made as aforesaid by the diplomatic agent of the demanding Government, or, in his absence, by the competent consular officer, within forty days from the date of the commitment of the fugitive, the prisoner shall be discharged from custody.

And the Imperial Russian Government will, upon request of the Government of the United States, transmitted through the diplomatic agent of the United States, or, in his absence, through the competent consular officer, secure the provisional arrest of persons convicted or accused of the commission therein of crimes or offenses extraditable under this convention. But if the formal requisition for surrender, with the formal proofs hereinbefore mentioned, be not made as aforesaid by the diplomatic agent of the demanding Government, or, in his absence by the competent consular officer within forty days from the date of the arrest of the fugitive, the prisoner shall be discharged from custody.

Article 8.

Articles in the possession of the fugitive that have aided the commis-

de Russie a demandé la mise en état d'arrestation provisoire d'une personne condamnée ou poursuivie du chef d'un crime ou délit commis en Russie et pouvant donner lieu à son extradition en vertu de la présente Convention, et sur une plainte dûment déposée et énonçant que telle crime ou délit a été ainsi commis, toute autorité judiciaire competente des États-Unis aura le pouvoir légal de delivrer un mandat pour l'arrestation de cette personne. Mais si, dans l'espace de quarante jours à compter de la date de l'arrestation du fugitif, la demande formelle d'extradition, accompagnée des preuves formelles ci-dessus mentionnées n'est pas faite, ainsi qu'il est stipulé plus haut, par l'agent diplomatique du Gouvernement requérant ou, en son absence par l'agent consulaire compétent, le détenu sera mis en liberté;

et le Gouvernement Impérial de Russie prendra, sur la demande du Gouvernement des Etats-Unis transmise par l'agent diplomatique des Etats-Unis, ou, en son absence, par l'agent consulaire compétent, des mesures pour la mise en état d'arrestation provisoire de tcute personne condamnée ou poursuivie du chef d'un crime ou délit commis dans les Etats-Unis et pouvant donner lieu à son extradition. Mais si, dans l'espace de quarante jours à compter de la date de l'arrestation du fugitif, la demande formelle d'extradition, accompagnée des preuves formelles ci-dessus mentionnées, n'est pas faite, ainsi qu'il est stipulé plus haut, par l'agent diplomatique du Gouvernement requérant ou, en son absence, par l'agent consulaire compétent, le détenu sera mis en liberté.

Article 8.

Les objets trouvés en la possession du fugitif qui auront servi pour

sion of the crime or offense, and any article or property which was obtained trough the commission of the crime or offense charged, and, also, any other article that may serve to convict, shall, if the demand for extradition be granted, be delivered to the authorities of the demanding Government, even where, owing to the death or escape of the fugitive, extradition can not take place. Such delivery shall also include articles of the character above-mentioned which the fugitive may have concealed or deposited in the country of refuge, and which may subsequently be found there. The rights of third parties to the above-mentioned articles shall, nevertheless, be duly respected, and they shall be returned to the owners free of expense after the conclusion of the case.

The right of the Government on which the demand for extradition is made to temporarily retain such articles, when they may be necessary for the institution of criminal proceedings occasioned by the same act that has given rise to the demand for extradition, or by any other act, is admitted.

commettre le crime ou délit, et tous objets ou effets provenant du fait incriminé, ainsi que toute autre pièce de conviction, seront livrés aux agents du Gouvernement requérant, même dans les cas où l'extradition ne pourrait avoir lieu par suite de la mort ou de la fuite de l'inculpé. Cette remise comprendra aussi les objets appartenant à la même catégorie et que le prévenu aurait cachés ou déposés dans le pays où il s'est refugié et qui y serait trouvés plus tard. Sont cependant réservés les droits de tiers sur les objets susmentionnés, qui devront leur être rendus sans frais après la conclusion du procés. Une semblable réserve est egalement stipulée à l'égard du droit du Gouvernement, auquel la demande d'extradition est addressée, de retenir provisoirement les dits objets lors qu'il seraient nécessaires pour l'instruction d'une affaire pénale occasionnée par le même fait qui a donné lieu à la demande ou par un autre fait quelconque.

Article 9.

In case the person whose extradition is demanded under the present Convention is also claimed by another Government, preference shall be given to the Government whose demand shall be earliest in point of time: Provided the Government from which extradition is sought is not bound by treaty to give preference otherwise.

Article 9.

Dans le cas où la personne dont l'extradition est demandée en vertu de la présente Convention est aussi réclamée par un autre Gouvernement, elle sera livrée au Gouvernement dont la demande aura une date plus ancienne. Pourvu que le Gouvernement auquel l'extradition est demandée ne soit tenu en vertu d'un traité d'en agir autrement.

Article 10.

The expense occasioned by the arrest, detention, and transportation

Article 10.

Les dépenses causées par l'arrestation, la détention et le transport

of persons whose extradition is requested shall be borne by the Government making the application.

Article 11.

The present Convention shall be ratified and the ratifications shall be exchanged at St. Petersburg as soon as possible.

It shall take effect on the twentieth day after its promulgation in the manner prescribed by the laws in force in the territories of the contracting parties. It shall remain in force for six months after notice of its termination shall have been given by either of the contracting parties.

In witness whereof, the respective Plenipotentiaries have signed the present Convention and have thereunto affixed the seals of their arms.

Done in duplicate, at the city of Washington, on the twenty eighth day of March, one thousand eight hundred and eighty-seven.

T. F. Bayard (Seal.)
C Struve. (Seal.)
Rosen (Seal.)

des individus réclamés, seront supportés par le Gouvernement requérant.

Article 11.

La présente Convention sera ratifiée et les ratifications en seront échangées à St. Petersbourg aussitôt que faire se pourra.

Elle sera exécutoire à dater du vingtième jour après sa promulgation dans les formes prescrites par les lois en vigueur dans les territores d'état des Parties contractantes. Elle continuera à être en vigueur jusqu'a six mois après déclaration contraire de la part de l'une des Parties contractantes.

En foi de quoi, les plénipotentiaires respectifs ont signé la présente Convention et y ont apposé le cachet de leurs armes.

Fait en double expédition à Washington, le seize (vingt-huit) Mars, mil huit-cent quatre-vingt-sept.

T. F. Bayard (L. S.)
C Struve (L. S.)
Rosen (L. S.)

12.

CHINE, FRANCE.

Convention additionnelle de commerce et de délimitation; signée à Pékin le 26 juin 1887.*)

Archives diplomatiques 1896.

Le Président de la République française et Sa Majesté l'Empereur de Chine, désireux de favoriser le développement des relations commerciales entre les deux pays et d'assurer la bonne exécution du traité de commerce signé à Tientsin le 25 avril 1886,**) ont décidé de conclure une conven-

*) Les ratifications ont été échangées à Pékin le 7 août 1896.
**) V. supra p. 34 de ce même volume.

tion additionnelle modifiant quelques-unes des dispositions contenues dans ledit acte.

A cet effet, les deux Hautes Parties contractantes ont nommé pour leurs plénipotentiaires respectifs, savoir:

Le Président de la République française, Monsieur Ernest Constans, député, ancien ministre de l'Intérieur et des Cultes, commissaire du Gouvernement, envoyé extraordinaire de la République française en Chine.

Et Sa Majesté l'Empereur de Chine, Son Altesse le prince K'ing, prince du second rang, président du Tsoung-li-Yamen,

Assisté de

Son Excellence Souen-Yu-Ouen, membre du Tsoung-li-Yamen, premier vice-président du ministère des Trauvaux publics;

Lesquels, après s'être communiqué leurs pleins pouvoirs, qu'ils ont reconnus en bonne et due forme, sont convenus des articles suivants:

Art. 1er. — Le traité signé à Tientsin le 25 avril 1886 sera, immédiatement après l'échange des ratifications, fidèlement mis à exécution dans toutes ses clauses, sauf, bien entendu, celles que la présente convention a pour but de modifier.

Art. 2. — En exécution de l'article premier du traité du 25 avril 1886, il ist convenu entre les Hautes Parties contractantes que la ville de Long-Tcheou au Kouang-Si, et celle de Mongtseu au Yunnan sont ouvertes au commerce franco-annamite: il est entendu, en outre, que Manhao, qui se trouve sur la route fluviale de Lao-Kai à Mong-tseu, est ouvert au commerce comme Longtcheou et Mong-tseu, et que le Gouvernement français aura le droit d'y entretenir un agent relevant du consul de cette dernière ville.

Art. 3. — En vue de développer le plus rapidement possible le commerce entre la Chine et le Tonkin, les droits d'importation et d'exportation stipulés dans les articles 6 et 7 du traité du 25 avril 1886 sont provisoirement modifiés ainsi qu'il suit:

Les marchandises étrangères importées en Chine par les villes ouvertes auront à acquitter le droit du tarif général de la douane maritime, diminué des trois dixièmes.

Les marchandises chinoises exportées au Tonkin payeront le droit d'exportation dudit tarif général diminué des quatre dixièmes.

Les marchandises chinoises exportées au Tonkin payeront le droit d'exportation dudit tarif général diminué des quatre dixièmes.

Art. 4. — Les produits d'origine chinoise qui auront acquitté les droits d'importation, conformément au § 1er de l'article 11 du traité du 25 avril 1886, et seront transportés à travers le Tonkin vers un port annamite, pourront être soumis, à la sortie de ce port, s'ils sont à destination d'un autre pays que la Chine, au droit d'exportation fixé par le tarif des douanes franco-annamites.

Art. 5. — Le gouvernement chinois autorise l'exportation de l'opium indigène au Tonkin par la frontière de terre moyennant un droit d'exportation de 20 taëls par picul ou 100 livres chinoises. Les Français ou protégés français ne pourront acheter l'opium qu'à Long-Tcheou, Mongtseu et Manhao. Les droits de likin et de barrières que les commerçants

indigènes auront à payer sur ce produit ne dépasseront pas 20 taëls par picul.

Les commerçants chinois qui auront apporté l'opium de l'intérieur remettront à l'acheteur, en même temps que la marchandise, les reçus constatant que le likin a été intégralement acquitté, et l'acheteur présentera ces reçus à la douane, que les annulera au moment où il effectuera le payement du droit d'exportation.

Il est entendu que cet opium, dans le cas où il rentrerait en Chine, soit par la frontière de terre, soit par un des ports ouverts, ne pourra être assimilé aux produits d'origine chinoise réimportés.

Art. 6. — Les bateaux français et annamites, à l'exception des bâtiments de guerre et des navires employés au transport de troupes, d'armes ou de munitions de guerre, pourront circuler de Lang-Son à Cao-bang, et réciproquement, en passant par les rivières (Song-Ki-Kong et rivière de Cao-bang) qui relient Lang-Son à Long-Tchéou et Long-Tchéou à Cao-bang.

Il sera prélevé sur ces bateaux, pour chaque parcours, un droit de tonnage de 5 % de taël par tonneau, mais les marchandises composant le chargement n'auront à acquitter aucun droit.

Les marchandises à destination de Chine pourront être transportées par les rivières dont il est question dans le § 1er du présent article, aussi bien que par les routes de terre, et notamment par la route mandarinale qui conduit de Lang-Son à Long-Tchéou; mais, jusqu'au jour où le gouvernement chinois aura établi un poste de douane à la frontière, les marchandises qui passeront par ces routes de terre ne pourront être vendues qu'après avoir acquitté les droits à Long-Tchéou.

Art. 7. — Il est entendu que la France jouira de plein droit, et sans qu'il soit besoin de négociations préalables, de tous les priviléges et immunités, de quelque nature qu'ils soient, et de tous les avantages commerciaux qui pourraient être accordés dans la suite à la nation la plus favorisée par des traités ou conventions ayant pour objet le règlement des rapports politiques ou commerciaux entre la Chine et les pays situés au sud et au sud-ouest de l'empire chinois.

Art. 8. — Ayant arrêté d'un commun accord les dispositions ci-dessus, les plénipotentiaires ont apposé leur signature et leur sceau sur deux exemplaires du texte français de la présente convention, ainsi que sur la traduction chinoise qui accompagne chacun de ces exemplaires.

Art. 9. — Les stipulations de la présente Convention additionnelle seront mises en vigueur comme si elles étaient insérées dans le texte même du traité du 25 Avril 1886 à partir du jour de l'échange des ratifications desdits traité et convention.

Art. 10. — La présente convention sera ratifiée à présent par Sa Majesté l'Empereur de Chine, et, dès qu'elle aura été ratifiée par le Président de la République française, l'échange des ratifications aura lieu à Pékin.

Fait à Pékin, le vingt-six juin mil huit cent quatre-vingt-sept.

(L. S.) Signé: *Constans.*

(L. S.) Signé: *Prince K'ing.*

13.

PÉROU, ÉTATS-UNIS D'AMÉRIQUE.

Traite d'amitié de commerce et de navigation; conclu à Lima le 31 août 1887.

El Peruano, Boletin oficial, año 47 Tom II.

The United States of America and the Republic of Perú being mutually animated with the desire to render permanent the friendly relations which happily have always subsisted between them, and to place their international intercourse upon the most liberal basis, have resolved to fix clear rules for their future guidance, through the formation of a treaty of friendship, commerce and navigation. To attain this purpose, the President of the United States of America has conferred full powers on Charles W. Buck, Envoy Extraordinary and Minister Plenipotentiary of said Government, to the Government of Perú, and the President of Perú has conferred like full powers upon His Excellency Don Càrlos M. Elias, Minister of Foreign Affairs, who, after comparing their respective powers, found to be in proper form, have agreed upon the following articles.

Art. 1. — There shall be perfect and perpetual peace and friendship between the United States of America and the Republic of Perú, and between their respective territories, people and citizens, without distinction of persons or places.

Art. 2. — The United States of America and the Republic of Perú mutually agree that there shall be reciprocal liberty of commerce and navigation between their respective territories and citizens; the citizens of either Republic may frequent with their vessels all the coasts, ports and places of the other, wherever foreign commerce is permitted, and reside in all parts of the territory of either, and occupy the dwellings and warchouses wich they may require, subject to the existing laws; and everything pertainng thereto shall be respected, and shall not be subjected to any arbitrary visits or search. The said citizens shall have full liberty to trade in all parts of the territories of either, according to the rules established by the respective regulations of commerce, in all kinds of goods, merchandise, manufactures and produce not prohibited to all, and to open retail and wholesale stores and shops under the same municipal and police regulations as native citizens; and they shall not in this respect be liable to any other or higher taxes or imposts than those which are or may be paid by native citizens. The citizens of either country shall also have the unrestrained right to travel in any part of the possessions of the other, and shall in all cases enjoy the same security and protection as the natives of the country wherein they reside, on condition of their submitting to the laws and ordinances there prevailing; they shall not be called upon for any forced loan or extraordinary contribution for any military expedition, or for any public purpose whatever, nor shall they be liable to any embargo or be detained with their vessels, cargoes, mer-

chandise, goods or effects, without being allowed therefor a full and sufficient indemnification, which shall in all cases be agreed upon and paid in advance.

Art. 3. — No higher or other duties or charges on account of tonnage, lighthouses or harbor dues, pilotage, quarantine, salvage in case of damage or shipwreck, or any other local charges, shall be imposed in any ports of Perú, on vessels of the United States, than those payable in the same ports by peruvian vessels, nor in any of the ports of the United States on peruvian vessels, than shall be payable in the same ports by vessels of the United States.

Art. 4. — All kinds of merchandise and articles of commerce which may be lawfully imported into the ports and territories of either of the high contracting parties in national vessels may also be so imported in vessels of the other party without paying other or higher duties or charges of any kind or denomination whatever, than if the same merchandise and articles of commerce were imported in national vessels; nor shall any distinction be made in the manner of making payment of the same duties or charges. Itis expressly understood that the stipulations in this and the preceding article are to their full extent applicable to the vessels and their cargoes belonging to either of the high contracting parties arriving in the ports and territories of the other, whether the said vessels have cleared directly from the ports of the country to which they appertain, or from the port of any other nation.

Art. 5. — No higher or other duties or charges shall be imposed or levied upon the importation into the ports and territories of the high contracting parties of any article, the produce, growth, or manufacture of the other party, than are, or shall be payable on the like article, being the produce, growth or manufacture of any other country; nor shall any prohibition be imposed upon the importation of any article, the produce, growth or manufacture of either party, into the ports or territories of the other, which shall not equally extend to all other nations.

Art. 6. — All kinds of merchandise and articles of commerce which may be lawfully exported from the ports and territories of either of the high contracting parties in national vessels, may also be exported in vessels of the other party; and they shall be subject to the same duties only, and be entitled to the same drawbacks, bounties and allowances, whether the same merchandise and articles of commerce be exported in vessels of the one party, or in vessels of the other party.

Art. 7. — It is hereby declared that the stipulations of the present treaty are not to be understood as applying to the navigation and coasting trade between one port and another, situated in the territories of either contracting party, the regulation of such navigation and trade being reserved respectively by the parties according to their own separate laws. Vessels of either country shall, however, be permitted to discharge part of their cargoes at one port open to foreign commerce in the territories of either of the high contracting parties, and to proceed with the remainder of their cargo to any other port of the same territories open to foreign commerce, without paying other or higher tonnage dues or port charges in such cases than would be paid by national vessels in like circumstances;

and they shall be permitted to load in like manner at different ports in the same voyage outward.

Art. 8. — The Republic of Perú desiring to increase the intercourse along its coasts by means of steam navigation, hereby engages to accord to any citizen or citizens of the United States, who may establish a line of steam vessels to navigate regularly between the different ports of entry within the peruvian territories, the same privileges of taking in and landing freight and cargo, entering by the ports for the purpose of receiving and landing passengers and their baggage, specie and bullion, carrying the public mails, establishing depots for coal, erecting the necessary machine and workshops for repairing and refitting the steam vessels, and all other favors enjoyed by any other association, or company whatsoever. It is further more understood between the two high contracting parties that vessels of either shall not be subject in the ports of tonnage harbour, or other similar duties whatsoever, than those that are or may be paid by any other association or company as provided by law current at the time of application.

Art. 9. — For the better understanding of the preceding articles, it is stipulated and agreed, that every vessel belonging exclusively to a citizen or citizens of either country, and flying the flag of such country, shall be considered as a vessel of that country.

Art. 10. — The merchants, commanders, or masters of vessels, and other citizens of either contracting party, shall be wholly free to manage their own business and affairs in all the ports and places within the jurisdiction of the other, or to commit their business and affairs to the management of any person whom they may choose to appoint as agent, factor, consignee, or interpreter. They shall not be restrained in the choice of persons to act in such capacities, or be compelled to pay any salary or remuneration to any one whom they do not wish to employ. Absolute freedom shall be given, as well with respect to the consignment and sale of their merchandise articles of commerce, as to the purchase of their returns, unloading and sending off their vessels. The buyer and seller shall have full liberty to bargain together and fix the price of any merchandise or articles of commerce imported into or to be exported from the territories of either contracting party, the regulations of commerce established in the respective countries being in every case duly observed.

Art. 11. — The citizens of either of the high contracting parties shall have the full power and liberty to dispose of their personal and real estate and effects of every kind and description, within the jurisdiction of the other, by sale, donation, testament, or otherwise; and their heirs or representatives, being citizens of the other party, shall succeed to the said personal end real estate and effects, whether by testament or ab intestato, and may take possession of the same themselves or by others acting for them, and dispose of the same at their pleasure, paying such dues only as the citizens of the country wherein said estate and effects may be, shall be subjet to pay in like cases.

Art. 12. — If any vessel belonging to the citizens of either of the high contracting parties should be wrecked, suffer damage, or be left derelict on or near the coasts within the territories ofthe ot her, all assistance

and protection shall be given to such vessel and her crew, and the vessel, or any part thereof, and all furniture and appertenances belonging thereto, together with all the merchandise which shall be saved therefrom, or the produce thereof, if sold, shall be faithfully restored to the owners or their agents, they paying only the expenses incurred in the preservation of the property, together with the rate of salvage which would have been payable, in like case by national vessels; and it shall be permitted for them to unload the merchandise and effects on board, with the proper precautions to prevent their illicit introduction, without exacting in such case any duty, impost or contribution whatever, provided the same be exported.

Art. 13. — When through stress of weather, want of water or provisions, pursuit of enemies or pirates, the vessels of one of the high contracting parties whether of war (public or private), or of trade, or employed in fishing, shall be forced to seek shelter in the ports, rivers, bays, and dominions of the other, they shall be received and treated with humanity; sufficient time shall be allowed for the completion of repairs, and while any vessel may be undergoing them, its cargo shall not unnecessarily be required to be landed either in whole or in part; all assistance and protection shall be given to enable the vessels to procure supplies, and to place them in a condition to pursue their voyage without obstacle or hinderance.

Art. 14. — All vessels, merchandise, and effects belonging to the citizens of either of the high contracting parties, which may be captured by pirates either on the high seas or within the limits of its jurisdiction, and may be carried into or found in the rivers, roads, bays, ports or dominions of the other, shall be delivered up to the owners or their agents, they proving, in due and proper form, their rights before the competent tribunals, it being understood that the claim thereto shall be made within two years by the owners themselves, their agents, or the agents of the respective Governments.

Art. 15. — The high contracting parties promise and engage to give full and perfect protection to the persons and property of the citizens of each other, of all classes and occupations, who may be dwelling or transient in the territories subject to their respective jurisdiction; they shall have free and open access to the tribunals of justice for their judicial recourse, on the same terms as are usual and customary with the natives or citizens of the country in which they may be; and they shall be at liberty to employ, in all cases, the advocates, attorneys, notaries, or agents of whatever description, whom they may think proper. The said citizens shall not be liable to imprisonment without formal commitment under a warrant signed by a legal authority, except in cases flagrantis delicti; and they shall in all cases be brought before a magistrate or other legal authority for examination within twenty four hours after arrest; and if not so examined, the accused shall forthwith be discharged from custody. Said citizens, when detained in prison, shall be treated, during their imprisonment, with humanity, and no unnecessary severity shall be exercised towards them.

Art. 16. — It is likewise agreed that perfect and entire liberty of

conscience shall be enjoyed by the citizens of both the contracting parties in the countries subject to the jurisdiction of the one or the other, without their being liable to be disturbed or molested on account of their religious belief, so long as they respect the laws and established usages of the country. Moreover the bodies of the citizens of one of the contracting parties who may die in the territories of the other shall be buried in the usual burying-grounds, or other decent and suitable places, and shall be protected from violation or disturbance.

Art. 17. — The citizens of the United States of America and the Republic of Perú may sail with their vessels, with entire freedom and security, from any port to the ports or places of those who now are, or hereafter shall be, the enemies of either the contracting parties, whoever may be the owners of the merchandise. The same citizens shall also be allowed to sail with their vessels, and to carry and traffic with their merchandise, from the ports and places of the enemies of both parties, or of one of them, without any hindrance, not only to neutral ports and places, but also from one port belonging to an enemy to another enemys port, whether they be under the jurisdiction of one power or of several. And it is agreed that free ships shall give freedom to goods and that every thing shall be deemed free which shall be found on board the vessels belonging to the contracting parties, although the whole lading, or a part thereof, should belong to the enemies of either, articles contraband of war being always excepted. The same liberty shall be extended to persons who may be onboard free ships, so that said persons cannot be taken out of them, even if they may be enemies of both parties, or of one of them, unless they are officers or soldiers in the actual service of the enemy. Is is agreed that the stipulations in this article declaring that the flag shall cover the property shall be understood as applying to those nations only who recognize this principle; but if either of the contracting parties shall be at war with a third, and the other shall remain neutral, the flag of the neutral shall cover the property of enemies whose Governments acknowledge this principle and not that of others.

Art. 18. — The liberty of commerce and navigation stipulated for in the preceding articles shall extend to all kinds of merchandise, except the articles called contraband of war, under which name shall be comprehended:

1.º — Cannons, mortars, howitzers, swivels blunderbusses muskets, fusees, rifles, carbines, pistols, pikes, swords, sabres, lances, spears, halberds, grenades, bombs, powder, dynamite and all explosives which are recognized of use for purposes of war, matches, balls, torpedoes, and every thing belonging to the use of these arms.

2.º — Bucklers, helmets, breastplates, coats of mail, accoutrements and clothes made up in military form and for military use.

3.º — Cavalry belts and horses with their harness,

4.º — And, generally, all offensive and defensive arms made of iron, steel, brass, copper, or any other material, prepared and formed to make war by land or at sea.

Art. 19. — All other merchandise and things not comprehended in the articles of contraband explicitly enumerated and classified as above

shall be held and considered as free, and subjects of free and lawful commerce, so that they may be carried and transported in the freest manner by both the contracting parties, even to places belonging to an enemy, excepting only those places which are at that time besieged or blockaded; and to avoid all doubt in this particular, it is declared that those places only shall be considered as besieged or blockaded which are actually invested or attacked by a force capable of preventing the entry of the neutral.

Art. 20. — The articles of contraband or those before enumerated and classified, which may be found in a vessel bound for an enemys port, shall be subject to detention and confiscation, but the rest of the cargo and the ship shall be left free, that the owners may dispose of them as they see proper. No vessel of either of the contracting parties shall be detained on the high seas on account of having on board articles af contraband, whenever the master, captain, or supercargo of said vessel will deliver up the articles of contraband to the captor, unless, indeed, the quantity of such articles be so great, or of so large bulk, that they cannot be received on board the capturing vessel without great inconvenience; but in this and in all other cases of just detention, the vessel detained shall be sent to the nearest convenient and safe port for trial and judgement, according to law.

Art. 21. — And whereas it frequently happens that vessels sail for a port or place belonging to an enemy without knowing that the same is besieged, blockaded or invested, it is agreed that every vessel so circumstanced may be turned away from such port or place, but shall not be detained; nor shall any part of her cargo, if not contraband, be confiscated, unless, after having been warned of such blockade or investment by a commanding officer of a vessel forming part of the blockading forces, she again attempts to enter; but she shall be permitted to go to any other port or place the master or supercargo may think proper. Nor shall any vessel of either party that may have entered into such port or place before the same was actually besieged, blockaded, or invested by the other, be restrained from leaving it with her cargo, nor, if found therein before or after the reduction or surrender, shall such vessel or her cargo be liable to seizure, confiscation or any demand on the score of redemption or restitution, but the owners thereof shall remain in the undisturbed possession of their property. And if any vessel having thus entered the port before the blockade took place shall take on board a cargo after the blockade be established and attempt to depart, she may be warned by the blockading forces to return to the blockaded port and discharge the said cargo; and if, after receiving such warning, the vessel shall persist in going out with the cargo, she shall be liable to the same consequences as in the case of a vessel attempting to enter a blockaded port after having been warned off by the blockading forces.

Art. 22. — To prevent disorder and irregularity in visiting and examining the vessels and cargoes of both the contracting parties on the high seas, they have agreed mutually that whenever a vessel of war, public or private, shall meet with a neutral of the other party the former shall

remain at the greatest distance compatible with the possibility and safety of making the visit, under the circumstances of wind and sea, and the degree of suspicion attending the vessel to be visited, and shall send one of her small boats with no more men than may be necessary to execute the said examination of the papers concerning the ownership and cargo of the vessel, without causing the least extortion, violence, or illtreatment, in respect of which the commanders of said armed vessel shall be responsible with their persons and property; for which purpose the commanders of said private armed vessels shall, before receiving their commissions, give sufficient security to answer for all the injuries and damages they may commit. And it is expressly agreed that the neutral party shall in no case be required to go on board of the examining vessel for the purpose of exhibiting the ships papers, nor for any other pupose whatever.

Art. 23. — Both contracting parties likewise agree that when one of them shall be engaged in war, the vessels of the other must be furnished with sea letters, patents or passports, in which shall be expressed the name, burden of the vessel and the name and place of residence of the owner thereof, in order that it may appear that the vessel really and truly belongs to citizens of the said other party. It is also agreed that the such vessel being laden, besides the said sea letters, patents, or passports, shall be provided with manifests or certificates containing the particulars of the cargo, and the place where it was taken on board, so that it may be known whether any art of the same consists of contraband or prohibited articles; which certificate shall be made out in the accustomed form by the authorities of the port whence the vessel sailed; without which requisites the vessel may be detained, to be adjudged by the competent tribunals and may be declared good and legal prize, unless it shall be proved that the said defect or omission was owing to accident, or unless it shall be satisfied or supplied by testimony equivalent in the opinion of the said tribunals, for which purpose there shall be allowed a reasonable length of time to procure and present it.

Art. 24. — The preceding stipulations relative to the visit and examination of vessels shall apply only to those which sail without convoy, the verbal declaration of the commander of the convoy, or his word ot honour, that the vessels under his protection belong to the nation whose flag they carry, and when they are bound to an enemys port, that they have no contraband goods on board, shall be sufficient.

Art. 25. — It is further agreed that, in all prize cases, the courts specially established for such causes in the country to which the prizes may he conducted shall alone take cognizance of them. And whenever such courts of either party shall pronounce judgement against any vessel, merchandise or property claimed by the citizens of the other party, the sentence or decree shall set forth the reasons or motives on which the same shall have been founded; and an authenticated copy of the sentence or decree, and of all the proceedings connected with the case, shall, if demanded, be delivered to the commander or agent .of the said vessel, merchandise or property, without any excuse or delay, upon payment of established legal fees for the same.

Art. 26. — Whenever one of the contracting parties shall be engaged in war with another nation, no citizen of the other contracting party shall accept a commission or letter of mark for the purpose of assisting or cooperating hostilely with the said enemy against the said party so at war, under pain of being treated as a pirate.

Art. 27. — If, which is not to be expected, a rupture should at any time take place between the two contracting nations, and they should engage in war with each other, they have agreed, now for them, that the merchants, traders, and other citizens of all occupations of either of the two parties residing in the cities, ports and dominions of the other, shall have the privilege of remaining and continuing their trade and business therein, and shall be respected and maintained in the full and undisturbed enjoyment of their personal liberty and property, so long as they conduct themselves peaceably and properly, and commit no offence against the laws. And in case their acts should render them justly suspected, and having thus forfeited this privilege the respective Governments should order them to leave the country, the term of twelve months from the publication or intimation of the order therefore shall be allowed them in which to arrange and settle their affairs and remove with their families, effects and property; to which end the necessary sate conduct shall be given to them, which shall serve as a sufficient protection, until they arrive at the designated port and there embark; but this favor shall not be extended to those who shall act contrary to the established laws. It is nevertheless understood that the respective Governments may order the persons so suspected to remove forthwith to such places in the interior as may be designated.

Art. 28. — In the event of a war, or of any interruption of friendly intercourse between the high contracting parties, the money, private debts, shares in the public funds, or in the public or private banks, or any other property whatever belonging to the citizens of the one party, in the territories of the other, shall in no case, for that cause alone, be sequestrated or confiscated.

Art. 29. — The high contracting parties desiring to avoid all inequality in their public communications and official intercourse, agree to grant their envoys, ministers, chargés d'affaires and other diplomatic agents, the same favors, privileges, immunities and exemptions that those of the most favored nation do or shall enjoy, it being understood that the favors privileges, immunities, and exemptions granted by the one party to the envoys, ministers, chargés d'affaires, or other diplomatic agents of the other party, or those of any other nation, shall be reciprocally granted and extended to those of both the high contracting parties respectively.

Art. 30. — To protect more effectually the commerce and navigation of their respective citizens, the Unites States of America and the Republic af Perú agree to admit and receive mutually, consuls and vice-consuls in all their ports open to foreign commerce, who shall enjoy, within their respective consular districts, all the rights, privileges and immunities of the consuls and vice-consuls of the most favored nation; but to enjoy the rights, prerogatives and immunities which belong to them in virtue af their public character, the consuls and vice-consuls shall, before exercising

their official functions, exhibit to the Government to which they are accredited their commissions or patents in due form, in order to receive their exequatur; after receiving which they shall be acknowledged in their official characters by the authorities, magistrates and inhabitants of the district in which they reside. The high contracting parties, nevertheless, remain at liberty to except those ports and places where the admission and residence of consuls and vice-consuls may not seem to be convenient, provided that the refusal to admit them shall likewise extend to those of all nations.

Art. 31. — The consuls, vice-consuls, their officers and persons employed in their consulates, shall be exempt from all public service, and from all kinds of taxes, imposts and contributions, except those which they shall be lawfully held to pay on account of their property or commerce, and to which the citizens and other inhabitants of the country in which they reside are subject, they being in other respects, subject to the laws of the respective countries. The archives and papers of the consulates shall be inviolably respected; and no person, magistrate, or other public authority shall, under any pretext interfere with or seize them.

Art. 32. — The consuls and vice-consuls shall have power to require public authorities of the country in which they reside for the arrest, detention, and custody of deserters from the vessels of war or merchant vessels of their nation; and where the deserters claimed shall belong to a merchant vessel, the consuls or vice-consuls must address themselves to the competent authority, and demand the deserters in writing, proving by the ship's roll or other public document that the individuals claimed are apart of the crew of the vessels from which it is alleged that they have deserted; but should the individuals claimed form apart of the crew of a vessel of war, the word of honor of a commissioned officer attached to the said vessel shall be sufficient to identify the deserters; and when the demand of the consuls or vice-consuls shall, in either case, be so proved, the delivery of the deserters shall not be refused. The said deserters, when arrested, shall be delivered to the consuls or vice-consuls, or, at the request of these, shall be put in the public prisons, and maintained at the expense of those who reclaim them, to be delivered to the vessels to which they belong, or sent to others of the same nation; but if the said deserters should not be so delivered or sent within the term of two months, to be counted from the day of their arrest, they shall be set at liberty and shall not be again apprehended for the same cause. The high contracting parties agree that it shall not be lawful for any public authority or other person within their respective dominions to harbour or protect such deserters.

Art. 33. — Until the conclusion of a consular convention, which the high contracting parties agree to form as soon as may be mutually convenient, it is stipulated, that in the absence of the legal heirs or representatives, the consuls or vice-consuls of either party shall be ex-officio the executors or administrators of the citizens of their nation who may die within their consular jurisdictions, and of their countrymen dying at sea whose property may be brought within their district. The said consuls or vice-consuls shall call in a justice of the peace or some other judicial

authority to assist in taking an inventory of the effects and property left by the deceased, after which the said effects shall remain in the hands of the said consuls or vice-consuls, who shall be authorized to sell immediately such of the effects or property as may be of a perishable nature and to dispose of the remainder according to the instructions of their respective Governments. And where the deceased has been engaged in commerce or other business, the consuls or vice-consuls shall hold the effects and property so remaining until the expiration of twelve calendar months, during which time the creditors, if any, of the deceased, shall have the right to present their claims and demands against the said effects and property; and all questions arising out of such claims or demands shall be decided by the laws of the country wherein the said citizens may have died. It is understood, nevertheless, that if no claim or demand shall have been made against the effects and property of an individual so deceased, the consuls or vice-consuls at the expiration of the twelve calendar months, may close the estate and dispose of the effects and property in accordance with the instructions from their own Governments.

Art. 34. — As a consequence af the principles of equality herein established, in virtue of which the citizens of each one of the high contracting parties enjoy in the territory of the other the same rights as natives, and receive from the respective Governments the same protection in their persons and property, it is declared that only in case that such protection should be denied, on account of the fact that the claims prefered have not been promptly attended to by the legal authorities, or that manifest injustice has been done by such authorities, and after all the legal means have been exhausted, then alone shall diplomatic intervention take place.

Art. 35. — The United States of America and the Republic of Peru, desiring to make as durable as possible the relations established between the two parties in virtue of this treaty of friendship commere and navigation, declare solemnly and agree as follows:

1.⁰ The present treaty shall remain in force for the term of ten years from the day of the exchange of the ratifications thereof, and further until the end of one year after either of the two contracting parties shall have given notice to the other her intention to terminate the same, each of them reserving to itself the right of giving such notice to the other at any time after expiration of the said term of ten years. And it is hereby agreed between the parties that, on the expiration of one year after such notice shall have been received by either of them from the other party, as above mentioned, this treaty shall altogether cease and terminate.

2.⁰ If any citizen or citizens of either party shall infringe any of the articles of this treaty, such citizen or citizens shall be held personally responsible therefore, and the harmony and good understanding between the two nations shall not be interrupted thereby, each party engaging in no way to protect the offenders, or to sanction such violation, under pain of rendering itsef liable for the consequences thereof.

3.⁰ Should, unfortunately, any of the provisions contained in the present treaty be violated or infringed in any other manner whatever, it is expressly stipulated and agreed that neither of the contracting parties

shall order or authorize any act of reprisals, nor declare nor make war against the other on complaint of injuries or damages resulting therefrom, until the party considering itself aggrieved shall first have presented to the other a statement or representation of such injuries or damages, verified by competent proofs, and demanded redress and satisfaction, and the same shall have been either refused or unreasonably delayed.

4.º The high contracting parties engage themselves to consider the chief Executives of the two coutries authorized to arrange in a friendly and definite manner the claims and other questions pending between the two Governments, as also, such as may hereafter arise. With this object, and when they may consider it necessary, the said Executives will submit the adjustment of such matters to the decision of an arbitrator, or of an arbitrating commission, whose form of appointment, duties, and procedure necessary in pronouncing decisions, and expenses incident thereto, will be arranged by agreement or convention, for the determination of which the said Executives will be considered equally empowered by the fact of the ratification of the present treaty. As the object of these provisions is to avoid that the high contracting parties should resort to acts af hostility, reprisals, or aggression of any nature without exerting themselves, of preference, through appeal to arbitration, in order to arrange their differences; it is declared that these do not exclude the right of resort to other means of national redress in case of necessity. But in event af having resorted to arbitration, the decision or decisions of the arbitrator or arbitrators shall be respected and held inviolable.

5.º Nothing contained in this treaty shall, however, be construed to operate contrary to former and existing public treaties with other nations or sovereigns.

The present treaty of friendship, commerce and navigation shall be approved and ratified by the President of the United States, by and with the advice and consent of the senate thereof, and by the President of the Republic of Perú, with the approbation of the Congress thereof, and the ratifications shall be exchanged at Washington or Lima as soon thereafter as possible.

In evidence whereof we, the Plenipotentiaries of the United States of America and of the Republic of Perú, have signed and sealed these presents, at the city of Lima, in duplicate english and spanish, this the thirty first day of August, in the year of our Lord one thousand eight hundred and eighty seven.

Cárlos M. Elías.

Chas. W. Buck.

14.

ETATS-UNIS D'AMÉRIQUE, VENEZUÉLA.

Convention destinée à écarter quelques doutes sur la portée de l'art. IX de la convention du 5 décembre 1885; signée à Washington le 15 mars 1888.*)

Conventions concluded by the United States of America with foreign nations.

Convention between the United States and Venezuela to remove doubts as to the meaning of the Convention signed December 5, 1885.

Whereas doubts have arisen in respect of the true intent and meaning of Article IX of the treaty between the United States of America and the United States of Venezuela signed at Washington on the fifth day of December 1885, and, in consequence of such ambiguities, the exchange of ratifications of said treaty has not taken place within the period therein prescribed for such exchange;

And, whereas, the High Contracting Parties are desirous of removing all doubts in respect of the meaning and intent of said Article, and of extending the time for the exchange of ratifications of said treaty, to the end of reaching an amicable and honorable solution of the difficulties that now impair their good relations;

The Government of the United States of America and the Government of the United States of Venezuela, have named as their Plenipotentiaries to conclude a Convention for that purpose, the President of the United States of America, Thomas F. Bayard, Secretary of State of the United States of America; and the President of the United States of Venezuela, José Antonio Olavarria, Chargé d'Affaires of Venezuela at Washington; who, after reciprocal communication of their full powers, found in due and good form, have agreed upon the following Articles:

Art. 1. — It is understood and agreed that in the event of any of the awards of the Mixed Commission under the Convention of April 25, 1866, being annulled in whole or in part by the Commission authorized and created by Article 2 of the treaty of December 5, 1885, no new award shall in any case be made by said Commission, to the holders of certificates of any award or awards annulled as aforesaid, in excess of the sum which may be found to be justly due to the original claimant.

Art. 2. — The time fixed for the exchange of the ratifications of the aforesaid treaty between the United States and Venezuela signed at Washington on the fifth day of December, A. D. one thousand eight hundred and eightyfive, is hereby extended to a period not exceeding five months from the date of this Convention or sooner if possible.

Art. 3. — The present Convention shall be ratified by the President of the United States of America by and with the advice and consent of the Senate thereof, and by the President of the United States of Venezuela

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*) Les ratifications ont été échangées le 3 juin 1889.

by and with the advice and consent of the Congress thereof, and the ratifications shall be exchanged at Washington as soon as possible within the time specified in Article 2 hereof as the period of extension of the time for the exchange of ratifications of the treaty signed at Washington on the fifth day of December, 1885.

In witness whereof the respective plenipotentiaries have signed and sealed the present Convention in duplicate.

Done at Washington this 15th day of March, A. D., 1888.

T. F. Bayard. (Seal.)
J. A. Olavarria. (Seal.)

15.

SUISSE.

Ordonnance donnant exécution aux lois fédérales sur les brevets d'invention, du 29 juillet 1888 et 23 mars 1893; du 10 novembre 1896.

Eidgenössische amtliche Sammlung, neue Folge, Bd. XV.

Der schweizerische Bundesrat,

in Ausführung der Art. 15 und 35 des Bundesgesetzes vom 29. Juni 1888 betreffend die Erfindungspatente, revidiert am 23. März 1893; auf den Vorschlag seines Justiz- und Polizeidepartements (Abtheilung für geistiges Eigenthum),

beschliesst:

I. Patentgesuche.

Art. 1. — Die Urheber neuer, gewerblich verwerthbarer Erfindungen, beziehungsweise ihre Rechtsnachfolger, können unter Beobachtung der folgenden Bestimmungen Erfindungspatente erlangen.

Art. 2. — Die Patentgesuche müssen dem eidgenössischen Amt für geistiges Eigenthum auf gedruckten, in entsprechender Weise ausgefüllten Formularen (s. Beilage) eingereicht werden. Diese werden vom Amte unentgeltlich geliefert.

Ausländische Patentgesuche sind durch Vermittlung von in der Schweiz domizilirten Vertretern, welchen von den Erfindern oder ihren Rechtsnachfolgern die bezügliche Vollmacht ertheilt worden ist, einzureichen (s. Art. 11 des Gesetzes).

Gehen die Patentgesuche von Rechtsnachfolgern der Erfinder aus, so müssen die ihre Rechtsansprüche beweisenden Documente beigelegt werden.

Art. 3. — Einem Gesuch um ein (definitives) Patent sind beizulegen:

1. eine Beschreibung der Erfindung;
2. die zum Verständniss der Beschreibung erforderlichen Zeichnungen;

3. der Ausweis, dass ein Modell des erfundenen Gegenstandes oder der Gegenstand selbst vorhanden ist;
4. die Summe von Fr. 40 als Hinterlegungsgebühr und als erste Jahresgebühr des Patentes;
5. im Falle der Vertretung durch eine in der Schweiz domizilirte Drittperson, die derselben vom Patentbewerber ertheilte, mit seiner Unterschrift versehene Vollmacht;
6. im Falle, dass das Patent nicht zu Handen des Erfinders nachgesucht wird, eine die Rechte des Rechtsnachfolgers beweisende Erklärung, welche entweder mit der beglaubigten Unterschrift des Erfinders versehen, oder von einer kompetenten Behörde oder einem Notar ausgestellt sein muss;
7. ein Verzeichniss der eingereichten Aktenstücke und Gegenstände.

Wer seinem Patentgesuch den unter Ziffer 3 erwähnten Ausweis nicht beilegt, hat nur auf ein provisorisches Patent Anspruch.

Die Beschreibung der Erfindung und die Zeichnungen müssen in zwei Exemplaren eingereicht werden.

Das Patentgesuch und die Beilagen sind in einer der drei Landessprachen abzufassen.

Art. 4. — Wünscht ein Patentinhaber die Erteilung eines Zusatzpatentes, so muss er ein diesbezügliches Gesuch auf einem in entsprechender Weise ausgefüllten Formular (siehe Beilage) einreichen, worin Titel und Nummer des Hauptpatentes angegeben sind, auf welches sich die zu patentirende Verbesserung bezieht.

Diesem Gesuch sind beizufügen:

1. eine Beschreibung der Verbesserung;
2. die zum Verständniss der Beschreibung erforderlichen Zeichnungen;
3. der Ausweis, dass ein Modell der Verbesserung vorhanden ist;
4. die einmalige Gebühr von Fr. 20;
5. ein Verzeichniss der eingereichten Aktenstücke und Gegenstände.

Die Beschreibung der Verbesserung und die Zeichnungen müssen in zwei Exemplaren eingereicht werden.

Das Gesuch für das Zusatzpatent und die Beilagen sind in der Sprache des Gesuches für das Hauptpatent nebst Beilagen abzufassen.

Der Patentinhaber muss sich für das Zusatzpatent des für das Hauptpatent bestellten Vertreters bedienen.

Art. 5. — Ein Patentgesuch darf sich nur auf einen Hauptgegenstand mit den zu demselben gehörenden Details beziehen.

Der Titel, unter welchem das Gesuch eingereicht wird, muss den Erfindungsgegenstand deutlich bezeichnen und klar erkennen lassen, dass derselbe durch ein Modell darstellbar ist. Der Gebrauch von Phantasiebenennungen ist nicht gestattet.

Jedes Zusatzpatentgesuch muss sich auf die den Gegenstand des Hauptpatentes bildende Erfindung beziehen und unter dem Titel des letzteren eingereicht werden.

Auf allen Patentgesuchen muss die wirkliche und vollständige Adresse der Patentbewerber angegeben werden.

Art. 6. — Zur Wahrung des Prioritätsrechtes für Erfindungen, welche

schon im Ausland zur Patentierung angemeldet wurden, oder welche unter einem zeitweiligen Ausstellungsschutze stehen, ist innerhalb der gesetzlich (Art. 32 und 33 des Gesetzes) oder durch Staatsverträge festgesetzten Fristen die Einreichung eines regelrechten Patentgesuches erforderlich.

Der Patentbewerber kann gleichzeitig, zur leichtern Constatirung seiner Rechte, sachbezügliche schriftliche Beweismittel bleibend hinterlegen. Er kann auch im Gesuchsformular im einem Falle den Staat, bei welchem die erste Patentanmeldung stattfand, und deren Datum, bezw. dasjenige der Patentertheilung angeben, im andern Falle die Ausstellung und das Zulassungsdatum für den Erfindungsgegenstand.

Art. 7. — Die Beschreibung der Erfindung muss der Bedingung, dass deren Gegenstand durch ein Modell darstellbar sein muss, Rechung tragen, die Einheit der Erfindung wahren, die Tragweite des Patentes unzweideutig klarlegen und übersichtlich geordnet, sowie für wissenschaftlich gebildete Techniker, bezw. auch für Specialisten leicht verständlich abgefasst werden.

Am Schluss der Beschreibung ist eine gedrängte und übersichtliche Darlegung der als mehr oder weniger wesentlich erachteten Merkmale der Erfindung zu geben (Patentanspruch, bezw. Patentansprüche). Wenn bei Hauptpatenten zu einer solchen Darlegung mehrere Patentansprüche aufgestellt werden, so muss das hauptsächliche Wesen der Erfindung doch schon im ersten derselben (Hauptanspruch) zum Ausdruck gelangen; die übrigen Patentansprüche sind diesem Hauptanspruch unterzuordnen (Unteransprüche). Die Patentansprüche von Zusatzpatenten sind in der Form von Unteransprüchen der zugehörigen Hauptpatente abzufassen. Unteransprüche dürfen sich auf beliebig viele beschriebene, zum Hauptgegenstand gehörende Einzelheiten beziehen.

Die Beschreibung muss mit leserlicher Schrift in unverwischbarer Tinte oder Druckfarbe auf Papier vom Format 33 auf 21 Centimeter abgefasst werden.

Art. 8. — Die Zeichnungen müssen auf Blättern von einem der drei folgenden Formate ausgeführt werden:

33 Centimeter Höhe auf 21 Centimeter Breite,
33 „ „ „ 42 „ „
33 „ „ „ 63 „ „

Das kleinste Format ist zu benützen, wenn ein Blatt desselben zur Aufnahme der zum Verständniss erforderlichen Figuren der Zeichnung hinreicht; ist dies nicht der Fall, so soll, eventuell neben einem Blatt kleinsten Formates, das mittlere Format benützt werden. Des grössten Formates soll man sich nur bedienen, wenn es die Natur des darzustellenden Gegenstandes erfordert.

Der für die Zeichnungen angewandte Massstab ist gross genug zu wählen, um den Gegenstand der Erfindung in einer auf zwei Drittel reducirten Reproduktion genau erkennen zu lassen; er soll jedoch nicht unnötig gross gewählt werden; wird der Massstab auf der Zeichnung angegeben, so soll es graphisch, auf Grundlage des metrischen Systems geschehen.

Jede Zeichnung muss mit einfachen, 2 Centimeter vom Blattrand gezogenen Linien eingefasst werden.

Die Zeichnungsblätter sollen folgende schriftliche Angaben enthalten: In der Ecke links oben den Namen des Patentbewerbers und das Datum der Gesuchsstellung, in der Ecke rechts oben die Anzahl der Zeichnungsblätter und die Ordnungsnummer jedes einzelnen, in der Ecke rechts unten die Unterschrift desjenigen, der das Gesuch einreicht, sei es der Erfinder selbst oder sein Vertreter.

Die Zeichnungen dürfen keine schriftliche Erklärung der Erfindung enthalten.

Dasjenige Zeichnungsexemplar, welches für photographische Reproduktion dienen soll, muss auf starkem, glattem und weissem Zeichenpapier angefertigt werden und darf weder farbige Linien noch Töne erhalten; alle Linien müssen mit ganz schwarzer Tusche scharf ausgezogen werden. Die Behandlung der Zeichnung muss eine kunstgerechte sein. Schraffen zur Bezeichnung der Schnitte und zur Hervorhebung gerundeter Formen dürfen nicht ineinander übergehen; Schattirungen durch Schraffen sind auf das Notwendigste zu beschränken.

Ueberweisungsbuchstaben und Ziffern müssen kräftig und deutlich geschrieben werden; sie sollen nicht weniger als 3 Millimeter hoch sein und den Typen der Antiqua entsprechen. Zur Bezeichnung gleicher Constructionstheile in verschiedenen Ansichten müssen stets gleiche Zeichen verwendet werden. Es wird empfohlen, in complicirten Zeichnungen die Zeichen ausserhalb der Umrisse zu setzen und durch Haarstriche mit den zugehörigen Constructionstheilen zu verbinden.

Das zweite Zeichnungsexemplar soll aus einer sorgfältig ausgeführten Leinwandpause des ersten bestehen; es darf in Farben gehalten sein.

Die Zeichnungen dürfen weder gefaltet noch gerollt werden; sie sind so zu verpacken, dass sie ganz flach und unzerknittert an das eidgenössische Amt gelangen.

.Art. 9. — Der Betrag aller in vorliegender Verordnung vorgesehenen Gebühren muss dem eidgenössischen Amt für geistiges Eigentum per Postmandat eingesandt werden, wenn der Patentbewerber oder sein Vertreter nicht vorzieht, die Bezahlung persönlich auf dem Amte zu leisten. In jedem Falle ist ihm eine Empfangsbescheinigung auszustellen.

Art. 10. — Einem in der Schweiz niedergelassenen Patentbewerber, welcher nachweisbar unvermögend ist, kann für die drei ersten Jahresgebühren Stundung bis zum Beginn des vierten Jahres gewährt werden. Wenn er alsdann seine Erfindung fallen lässt, so werden ihm die verfallenen Gebühren erlassen (s. Art. 8 des Gesetzes).

Einem Stundungsbegehren, welches erst nach der Eintragung des Patentes eingereicht wird, kann nicht entsprochen werden.

Die Einbezahlung einer oder mehrerer der gestundeten Jahresgebühren hat die Aufhebung der Stundung zur Folge. Die gleiche Wirkung hat in der Regel die Eintragung einer den Besitz oder den Genuss des Patentes betreffenden Aenderung.

Art. 11. — Alle auf einer inländischen Poststelle aufgegebenen, an das eidgenössische Amt für geistiges Eigentum adressirten Sendungen werden, insofern auf denselben die Aufgabezeit postamtlich beglaubigt ist, vom

Amte so angesehen und behandelt, als hätte es dieselben zu jener Zeit empfangen.

(Die Poststellen sind gehalten, obige Beglaubigung auf allen eingeschriebenen Sendungen an das eidgenössische Amt vorzunehmen, für welche bei der Aufgabe eine Empfangsbescheinigung verlangt wird.)

Art. 12. — Ist eine Frist nach Monaten oder nach Jahren bestimmt, so endigt sie an demjenigen Tage der durch seine Zahl dem Tage entspricht, mit welchem sie zu laufen beginnt. Fehlt dieser Tag in dem letzten Monat, so endigt die Frist mit dem letzten Tage dieses Monats. Es findet keine Fristverlängerung statt aus dem Grunde, dass der Verfalltag auf einen Sonn- oder Feiertag fällt.

II. Beweis der Modellexistenz.

Art. 13. — Der Beweis betreffend das Vorhandensein eines Modells wird erbracht:

a. durch Einreichung derjenigen Modelle, deren bleibende Hinterlegung obligatorisch ist, beim eidgenössischen Amt für geistiges Eigentum;

b. durch bleibende Hinterlegung beim eidgenössischen Amt von das Wesen der Erfindung klar und vollständig darstellenden Photographien solcher Erfindungsmodelle, deren bleibende Hinterlegung nicht obligatorisch ist;

c. durch Einreichung derjenigen Modelle, welche weder selbst, noch in Photographie bleibend hinterlegt werden, beziehungsweise ausreichender photographischer Aufnahmen derselben, beim eidgenössischen Amt zum Behuf amtlicher Vergleichung mit den die Patentgesuche begleitenden Darlegungen der Erfindungen.

Mit Einwilligung des Amtes kann von der Einreichung der Modelle dieser Kategorie Umgang genommen werden; in diesem Falle genügt es und ist der Einreichung in jeder Beziehung äquivalent, wenn sie einem Experten des Amtes an einem dritten Orte des Inlandes zur Verfügung gestellt werden; auf Photographien als ausschliessliche Beweismittel hat diese Bestimmung nicht Bezug.

Wenn das Amt findet, dass die Natur des Erfindungsgegenstandes die Vergleichung durch dessen Organe erfordert, so ist die unter *b* erwähnte bleibende Hinterlegung der Photographien nicht statthaft. Gegen einen bezüglichen Entscheid des Amtes ist keine Berufung zulässig.

Das Amt hält die gemäss *a* und *b* bleibend hinterlegten Beweismittel zur Verfügung der Gerichte.

Art. 14. — Die bleibende Hinterlegung der Modelle ist obligatorisch:

a. für Erfindungen betreffend Taschenuhren und deren Bestandteile;

b. für Erfindungen im Gebiete der Handfeuerwaffen;

c. für Erfindungen, welche wesentlich durch schwer zu identifizierende Stoffe oder Stoffverbindungen, aus denen der Erfindungsgegenstand ganz oder teilweise besteht, gekennzeichnet sind;

d. für Erfindungen, deren Gegenstand ganz oder teilweise durch Eigenschaften gekennzeichnet wird, welche nur mit ausserordentlichen Hülfsmitteln nachgewiesen werden können.

Das eidgenössische Amt hat zu bestimmen, welche Modelle in die beiden letztgenannten Kategorien gehören.

Der Bundesrat behält sich vor, auch für andere Erfindungen die bleibende Hinterlegung der Modelle zu fordern, falls gemachte Erfahrungen die Nützlichkeit einer solchen Massregel darthun.

Art. 15. — Die Modelle, beziehungsweise Photographien sind, mit nachstehend aufgezählten Angaben versehen, einzureichen:

a. mit der Adresse des Bewerbers;

b. mit einer jeden Zweifel über die Zugehörigkeit zu dem betreffenden Patente ausschliessenden Bezeichnung (Gesuchsnummer, Patentnummer oder ein Aequivalent);

c. mit der Anzahl und den Ordnungsnummern der Stücke.

Das die eingereichten Modelle, beziehungsweise Photographien betreffende Umwandlungsgesuch muss dieselben Angaben enthalten und zudem über folgende Punkte Aufschluss geben:

a. über die Art der Verpackung der Beweismittel;

b. über die beabsichtigte Art der Beweisleistung;

c. bei Beweisleistung gemäss Art. 13 *c*, 1. Absatz, über die allfällige Einsendung der Vergleichungsgebühr (siehe Art. 19).

Die Photographien müssen unterschrieben werden. Ihr Format, beziehungsweise dasjenige der Blätter, auf denen sie aufgeklebt sind, soll 33/21 Centimeter betragen; grössere Photographien müssen auf dieses Format zusammengefaltet werden; die Blätter sollen sich ohne Schwierigkeit glatt falten lassen.

Das die Modelle an drittem Orte des Inlandes zur Verfügung des Amtes stellende Umwandlungsgesuch muss angeben:

a. ob neben Modellen auch Photographien als Beweismittel dienen sollen;

b. die Liste der als Beweismittel angegebenen Gegenstände;

c. den Betrag der allfällig gleichzeitig eingesandten Deckung für Gebühr und Expertisekosten (s. Art. 19).

Ein Gesuch dieser Art, welches den Ort nicht angiebt, wo die Beweismittel zur Verfügung stehen, wird nicht berücksichtigt.

Art. 16. — Ueber den Modellausweis wird ein Protokoll in zwei Doppeln ausgefertigt, von denen das eine dem Aktenhefte des Patentes einzuverleiben, das andere dem Gesuchsteller auszuhändigen ist.

Das eidgenössische Amt besorgt die in Art. 13 *c* vorgesehene Vergleichung durch seine Organe, eventuell durch einen beigezogenen Sachverständigen. Die Vergleichung erstreckt sich auf Prüfung der Uebereinstimmung der eingereichten, beziehungsweise zur Verfügung gestellten Gegenstände mit der Darlegung der Erfindung gemäss Inhalt und Bedeutung des Patentanspruches oder der Patentansprüche. Dienen Photographien als Beweismittel, so wird auch untersucht, ob deren Aufnahme nach der Natur stattgefunden hat.

Ergeben sich Zweifel über die Grundlage der photographischen Aufnahmen, ist aus denselben das Modell nicht deutlich genug zu erkennen, stimmt bei Hauptpatenten das Modell nicht mit dem Patentanspruch, beziehungsweise dem Hauptanspruch, oder bei Zusatzpatenten nicht mit allen Patentansprüchen überein, so muss das Amt die Leistung des Beweises

für die Modellexistenz verneinen. In die bezüglichen Protokolle ist eine gedrängte Darlegung des Thatbestandes aufzunehmen.

Wird die Beweisleistung für die Modellexistenz betreffend ein Hauptpatent bejaht, obgleich das Modell nicht allen Patentansprüchen genügt, so ist die Leistung eines Ergänzungsausweises nach dem gleichen Verfahren zulässig.

Art. 17. — Verneint das eidgenössische Amt die Beweisleistung für die Modellexistenz, so stehen dem Bewerber zu weiterem Vorgehen folgende Wege offen:

a. er hinterlegt mit Einwilligung des Amtes, welchem die endgültige Entscheidung über die Zulässigkeit dieses Verfahrens zusteht, Photographien des Modells bleibend;

b. er vervollständigt die Beweismittel (Modelle, Photographien) für nochmalige amtliche Vergleichung;

c. er stellt seine Beweismittel durch das Amt dem eidgenössischen Departement, welches demselben vorsteht, zur Verfügung.

Das Departement kann auch andere Beweisarten, als die vor dem Amte zulässigen, berücksichtigen; seine Entscheide sind inappellabel. Vor dem Departement darf der Beweis nicht in direkter Folge zum wiederholtenmale angetreten werden.

Der Beweisantritt vor den Instanzen wird nur gestattet, wenn seit dem Datum (Tag und Stunde) des provisorischen Patentes noch nicht mehr als drei Jahre verflossen sind. Innert dieser dreijährigen Frist müssen alle Beweismittel namhaft gemacht, bezw. zur Verfügung gestellt werden.

Dem Beweisantrag wird nur Folge gegeben, wenn innert einer von den Instanzen zu bezeichnenden Frist Sicherheit für Deckung der Kosten geleistet wird.

Art. 18. — Die in Art. 13 *c* vorgesehenen Vergleichungen finden in den Geschäftslokalitäten des eidgenössischen Amtes statt, bezw. an denjenigen Orten des Inlandes, wo die Modelle zur Verfügung stehen. Kommt Art. 17 *c* zur Anwendung, so entscheidet das Departement über den Ort der Beweisaufnahme.

Auf Verlangen müssen die Bewerber die Auspackung der Modelle, bezw. deren allfällige Montirung oder Demontirung durch Delegierte besorgen lassen. Von seiten der Behörden wird keinerlei Verantwortlichkeit für Beschädigung der zur Vergleichung beigestellten Modelle übernommen.

Die dem Amte eingereichten Modelle sind spätestens acht Tage nach endgültiger Erledigung der Modellfrage aus den Geschäftslokalitäten zu entfernen, widrigenfalls das Amt nach Gutdünken darüber verfügen wird.

Art. 19. — Die Kosten des Verfahrens fallen zu Lasten des Bewerbers.

Die Gebühr für eine vom eidgenössischen Amte in dessen Geschäftslokalitäten vorzunehmende Vergleichung beträgt zehn Franken. Findet die Vergleichung auswärts statt, so werden ausserdem Reiseentschädigung und Tagegelder für den Experten verrechnet.

Die Kosten der vom Departement veranlassten Expertisen werden von diesem bestimmt.

Art. 20. — Als Datum der Beweisleistung für die Modellexistenz vor dem eidgenössischen Amte gilt in der Regel Tag und Stunde, da seitens

des Bewerbers diejenigen Beweismittel eingereicht oder an drittem Orte zur Verfügung gestellt wurden, auf Grund derer die Eintragung des definitiven Patentes erfolgen konnte.

Als Datum der Beweisleistung für die Modellexistenz vor dem Departement gilt in der Regel Tag und Stunde, da dem Amte zu Handen des Departementes die Modelle oder Photographien eingereicht oder zur Verfügung gestellt, bezw. andere Beweismittel namhaft gemacht wurden, auf Grund welcher die Modellexistenz bejaht werden konnte.

Art. 21. — Die bleibend hinterlegten Modelle von die Handfeuerwaffen betreffenden Erfindungen werden vom eidgenössischen Amt nach Ablauf der Schutzdauer noch drei Jahre lang aufbewahrt und nachher der technischen Abtheilung der eidgenössischen Kriegsmaterialverwaltung übergeben. Die andern Erfindungskategorien angehörenden bleibend hinterlegten Modelle werden, sofern die Patentinhaber sie nicht inzwischen zurück verlangen, ebensolange aufbewahrt; nachher wird je nach Gutfinden des Departements darüber verfügt.

III. Registrierung und Ertheilung der Patente.

Art. 22. — Wenn Patentgesuche beim eidgenössischen Amte einlaufen, wird zunächst nachgesehen, ob deren Einreichung in Uebereinstimmung mit Art. 3, Ziffer 1, 2, 4, 5, 6, 7, beziehungsweise Art. 4, Ziffer 1 bis 5, der vorliegenden Verordnung stattgefunden hat. Gesuche, welche in dieser Beziehung Mängel zeigen, bleiben bis zu ihrer Vervollständigung in der Schwebe. Die vollständigen Gesuche werden in ein Specialregister eingeschrieben und dann der Reihe nach in Bezug auf die Einhaltung der Bedingungen geprüft, welchen die verschiedenen Aktenstücke genügen müssen.

Art. 23. — Ergiebt die amtliche Untersuchung, dass das Patent regelrecht nachgesucht worden ist, so wird seine Eintragung in das Patentregister vorgenommen.

Das Register der Hauptpatente enthält folgende Angaben:

1. die Ordnungsnummer des Patentes;
2. den Titel der Erfindung und die Klasse, welcher sie angehört;
3. den Namen und die Adresse des Patentinhabers;
4. den Namen und die Adresse seines Vertreters;
5. das Datum der Einreichung des Gesuches;
6. das Datum der Beweisleistung für die Existenz des Modelles, nebst Angaben über die Art der Beweisleistung;
7. wenn das Patentgesuch sich auf die Bestimmungen des Art. 32 oder 33 des Gesetzes oder analoge in Staatsverträgen enthaltene Bestimmungen beruft, das Datum der ersten Patentanmeldung oder Patenterteilung im Ausland, beziehungsweise das Datum, von welchem an der dem erfundenen Gegenstande gewährte Ausstellungsschutz läuft;
8. die erteilten Zusatzpatente;
9. das Datum der erfolgten Veröffentlichungen;
10. die im Besitz- und Genussrecht des Patentes eingetretenen Aenderungen;

11. die Vertretungsänderungen;
12. allfällige Bemerkungen des Amtes.

Die Zusatzpatente werden in analoger Weise in ein besonderes Register eingetragen.

Das Amt führt Tag für Tag ein alphabetisches Namensregister der Patentinhaber mit Angabe der Ordnungsnummern ihrer Patente nach.

Art. 24. — Die dem Patentbewerber zuzustellende Patenturkunde besteht in einer vom eidgenössischen Amt für geistiges Eigenthum ausgefertigten Erklärung, welche feststellt, dass infolge Erfüllung der gesetzlich vorgeschriebenen Formalitäten für die in der beigeschlossenen Darlegung beschriebene Erfindung ein Patent ertheilt worden ist.

Die schriftliche Darlegung der Erfindung muss der urkundlichen Erklärung des eidgenössischen Amtes in einem Exemplar der in Art. 35 erörterten Publikation beigefügt werden.

Art. 25. — Gegen Entrichtung einer Gebühr von Fr. 10 kann das Amt in folgenden Fällen zu Handen der Patentinhaber Doppel der Patenturkunde ausstellen:

a. wenn die Originalurkunde abhanden gekommen ist;
b. wenn der Inhaber ein solches bedarf behufs Erlangung eines Patentes für die gleiche Erfindung in einem anderen Staate.

Die Ausfertigungen dieser Art sind deutlich als Doppel zu bezeichnen und mit der Angabe ihres Zweckes zu versehen.

Art. 26. — Als Datum des Gesuches gilt Tag und Stunde des Empfanges der vorgeschriebenen, in Art. 22 angeführten Unterlagen.

Von diesem Datum an ist die Priorität des Patentes sichergestellt; es bildet auch den Ausgangspunkt für die Berechnung der Fälligkeit der Jahresgebühren und der Patentdauer.

Art. 27. — Als Datum des definitiven Patentes gilt dasjenige der Beweisleistung für die Existenz des Modelles, gemäss Art. 20. Dieses Datum kann demjenigen des provisorischen Patentes nie vorangehen. Von jenem Momente an beginnt der den Erfindungen gewährte definitive Schutz.

Art. 28. — Die Zusatzpatente erhalten das Datum der Beweisleistung für die Existenz des Modelles; überdies werden auf denselben jeweilen Datum und Ordnungsnummer der Hauptpatente, auf welche sie sich beziehen, angegeben.

Art. 29. — Patentgesuchen, welche aus der Umwandlung von Zusatzpatentgesuchen in solche für Hauptpatente, oder aus der Teilung von Patentgesuchen hervorgegangen sind, verbleibt das Datum der ursprünglichen Eingabe, sofern sie dem Amte vor Ablauf von 6 Monaten, vom Tage der ursprünglichen Eingabe an gerechnet, annehmbar geordnet eingereicht werden.

Im Zeitraum zwischen Einreichung und Patenteintragung vorgenommene, gegenüber der ursprünglichen Darlegung der Erfindung sachlich Neues bringende und ihre Tragweite dadurch beeinflussende Aenderungen einer Patenteingabe bedingen die Verschiebung des Prioritätsdatums des Patentes, haben jedoch keine Verlängerung der Frist zur Ordnung der Unterlagen zur Folge.

Dasselbe gilt für im gleichen Zeitraume einlangende Erklärungen be-

treffend Erfindungscessionen. Nach der Patenteintragung eingereichte Erklärungen dieser Art werden nur gegen Entrichtung einer Gebühr von Fr. 10 angenommen und müssen, deutlich mit dem Einreichungsdatum bezeichnet, dem Aktenhefte des Patentes einverleibt werden. Im Patentregister ist der diesbezügliche Thatbestand ebenfalls einzutragen.

Art. 30. — Ergiebt die in Art. 22 vorgesehene Prüfung, dass sich bei einem Patentgesuche Unregelmässigkeiten vorfinden, so fordert das eidgenössische Amt den Bewerber auf, das Gesuch in Ordnung zu bringen.

Wird dieser Aufforderung innert zwei Monaten nicht entsprochen, so verweigert das Amt die Erteilung des Patents und stellt dem Bewerber die hinterlegten Aktenstücke, Gegenstände und Gebühren, mit Ausnahme eines Exemplars der Beschreibung und Zeichnungen, sowie der Fr. 20 betragenden Hinterlegungsgebühr, zur Verfügung. Drittpersonen wird keine Einsicht in die zurückbehaltenen Akten gestattet. Von den Bewerbern zurückgezogene Patentgesuche werden in gleicher Weise behandelt, wie die vom Amte abgewiesenen.

Das Amt ist befugt, Fristverlängerungen für Ordnung der Unterlagen zu gewähren; immerhin dürfen dieselben nie in den siebenten Monat, vom Datum der Einreichung des Patentgesuches an gerechnet, hinüberrreichen.

Art. 31. — Im Falle der Patentverweigerung seitens des eidgenössischen Amtes kann der Bewerber innert der Notfrist von 4 Wochen bei dem dem Amte vorstehenden eidgenössischen Departement den Rekurs anmelden. Entscheidet dieses im Sinne der ersten Instanz, so kann die Frage innert einer gleichen Frist zur endgültigen Erledigung vor den Bundesrath gebracht werden.

Art. 32. — Wenn das eidgenösische Amt vermöge eines der in Art. 10 des Gesetzes aufgeführten Gründe die Erfindung nicht für patentierbar hält, so soll es den Gesuchsteller vorgängig und in confidentieller Weise darauf aufmerksam machen, ihm überlassend, ob er seine Anmeldung aufrechthalten, abändern oder zurückziehen will (Art. 17 des Gesetzes).

Wenn der Patentbewerber das Gesuch aufrechthält oder innert einem Monat nicht antwortet, wird das Patent registriert und in üblicher Weise erteilt.

Art. 33. — Das eidgenössische Amt veröffentlicht zweimal monatlich im schweizerischen Handelsamtsblatt ein nach Klassen geordnetes Verzeichniss der inzwischen erteilten Patente.

Die Veröffentlichung enthält folgende Angaben: die Ordnungsnummer des Patentes, den Titel der Erfindung, den Namen und die Adresse des Patentinhabers und seines Vertreters und das Einreichungsdatum des Patentgesuches.

In gleicher Weise veröffentlicht das Amt jede im Besitz- oder Genussrecht der Patente eingetretene Veränderung. Die Löschungen der Patente werden summarisch veröffentlicht.

Diese Veröffentlichungen erfolgen in der Sprache der betreffenden Patentgesuche.

Art. 34. — Zu Anfang jeden Jahres veröffentlicht das eidgenössische Amt ein alphabetisches Verzeichniss der Erfinder mit Beisetzung der Ordnungsnummern der ihnen im Laufe des verflossenen Jahres erteilten Patente.

Desgleichen giebt es einen nach Klassen geordneten Katalog der erteilten Patente heraus, worin Titel und Ordnungsnummern der Patente, sowie Namen und Adressen der Erfinder angegeben sind.

Art. 35. — Sobald ein Patent registrirt ist, wird die schriftliche Darlegung der Erfindung, d. h. die bei Einreichung des Patentgesuches hinterlegte Beschreibung mit den zugehörigen Zeichnungen in einem besondern Druckhefte (Patentschrift) herausgegeben; das eidenössische Amt verkauft solche Hefte zu mässigem Preise.

Auf Grund einer auf Anzeige ihrer Erschöpfung hin zu erneuernden Einlage von 50 Franken eröffnet das Amt denjenigen Personen einen Kontokorrent, welche die Patentschriften ganzer Erfindungsklassen oder auch einzelner, dem Amte jeweilen anzugebender Patente im Abonnement, d. h. zum halben Preise zu erhalten wünschen. Der Saldo der Hinterlegung kann jederzeit zurückgezogen werden; wenn aber die Anzahl der bis dahin bezogenen Patentschriften unter 50 bleibt, so werden diese zum Preise des Einzelverkaufes verrechnet.

Auf vor Eintragung des Patentes dem Amte bekannt gegebenen Wunsch des Erfinders hin werden während eines Zeitraumes von sechs Monaten, vom Prioritätsdatum an gerechnet, die Patentakten geheim gehalten und die Veröffentlichung der Patentschrift vertagt. Die vor Ablauf dieser Frist fallen gelassenen Patente erfahren keine Veröffentlichung.

Art. 36. — Das eidgenössische Amt führt über die Einzahlung der jährlichen Patentgebühren genaue Kontrolle.

Sobald die Unterlassung der Einzahlung einer verfallenen Gebühr konstatiert ist, übersendet das Amt dem Inhaber eine Mahnung mit dem Bemerken, dass sein Patent unwiderruflich erlischt, wenn die Gebühr nicht innert drei Monaten nach dem Verfalltag eingezahlt wird. Unterbleibt die Entrichtnng der Gebühr innert dieser Frist, so registriert das Amt die Erlöschung im Hauptregister und im Aktenhefte des Patentes. Die Veröffentlichung der Erlöschungen erfolgt nach Massgabe des Art. 33.

Art. 37. — Alle Aenderungen, welche den Besitz oder den Genuss eines Patentes betreffen, werden auf Grund einer sachbezüglichen, mit der beglaubigten Unterschrift des Patentinhabers versehenen oder von einer kompetenten Behörde oder einem Notar ausgestellten Erklärung in das Patentregister eingetragen. Diese Erklärung muss die Nummer des Patentes, um das es sich handelt, angeben. Auch Aenderungen, welche die Vertreterschaft für ein Patent betreffen, werden in das Patentregister eingetragen. Für jede dieser Eintragungen ist eine Gebühr von fünf Franken per Patent zu entrichten. Die Eintragung von Domiziländerungen von Patentinhabern und Vertretern erfolgt kostenfrei; sie wird aber nur auf Grund ausdrücklicher brieflicher Mittheilung vorgenommen.

Art. 38. — Rechtskräftige Urteile über Erlöschung, Nichtigkeit, Expropriation und Lizenzerteilung sind auf Begehren der obsiegenden Partei in das Patentregister einzutragen (Art. 19 des Gesetzes).

Diese Eintragungen finden von Amtes wegen statt; ausser dem Urteil ist jeweilen auch der Gerichtshof, von dem es gefällt wurde, sowie das Datum der Urteilsfällung zu registrieren.

Art. 39. — Für jedes Patent muss ein mit dessen Ordnungsnummer versehenes besonderes Aktenheft angelegt werden. Dasselbe enthält:

1. das Patentgesuch und dessen in Art. 3 unter den Ziffern 1, 2, 5, 6 und 7 erwähnte Beilagen;
2. das die Leistung des Modellausweises betreffende Protokoll;
3. die Aenderungen im Besitz- oder Genussrecht des Patentes betreffenden Erklärungen;
4. die neuen Vertretern erteilten Vollmachten.

Art. 40. — Abgesehen von der im dritten Absatz des Art. 35 erwähnten Einschränkung kann jedermann vom eidgenössischen Amte mündlich oder schriftlich Auskunft über den Inhalt des Patentregisters und der Akten erhalten oder in Gegenwart eines Beamten Einsicht in die Patentaktenhefte, sowie in die Sammlung der bleibend hinterlegten Modelle und Photographien nehmen. Ueber Gesuche, welche sich auf noch nicht eingetragene Patente beziehen, werden Drittpersonen ohne specielle Ermächtigung seitens der Hinterleger keine Mittheilungen gemacht.

Für seine bezüglichen Dienstleistungen erhebt das Amt folgende Gebühren:

1. für mündliche Auskunft	Fr. 1	per Patent, über welches Auskunft verlangt wird.
2. für schriftliche Auskunft	„ 2	
3. für Einsichtnahme der Akten	„ 2	

IV. Während Ausstellungen gewährter zeitweiliger Schutz.

Art. 41. — Wenn der Urheber einer patentierbaren Erfindung, deren Gegenstand auf einer schweizerischen nationalen oder internationalen Ausstellung aufgelegt ist, sich den in Art. 33 des Gesetzes vorgesehenen zeitweiligen Schutz sichern will, muss er beim eidgenössischen Amte für geistiges Eigentum innert eine Frist von zwei Monaten, vom Datum der Zulassung des betreffenden Gegenstandes zur Ausstellung gerechnet, ein briefliches Gesuch nebst folgenden Beilagen hinterlegen:

1. eine summarische, die betreffende Erfindung jedoch genügend kennzeichnende Beschreibung;
2. eine zum Verständnis der Beschreibung und zur Identifizierung des Ausstellungsgegenstandes dienliche Zeichnung, Skizze oder Photographie;
3. ein offizielle, das Datum der Zulassung des Erfindungsgegenstandes zur Ausstellung bescheinigende Erklärung;
4. eine Hinterlegungsgebühr von 5 Franken.

Als Zulassungsdatum gilt derjenige Tag der Ausstellung, an welchem der Gegenstand dem Publikum zum erstenmal zugänglich war.

Das Gesuch für zeitweiligen Schutz nebst Beilagen muss in einer der drei Landessprachen abgefasst werden.

Nach erfolgter Hinterlegung stellt das eidgenössische Amt dem Bewerber ein bezügliches Zeugniss aus, welches die Ordnungsnummer des

Gesuches, den Titel der Erfindung, Namen und Adresse des Bewerbers und die Angabe von Tag und Stunde der Hinterlegung enthält.

Art. 42. — Die Gesuche für zeitweiligen Schutz werden in ein besonderes Register eingetragen; sie erhalten eine der Reihenfolge ihrer Eintragung entsprechende Ordnungsnummer.

Jedes dieser Gesuche bildet mit den zugehörigen Akten ein besonderes Aktenheft, welches numerirt und entsprechend eingereiht wird.

Das Amt führt ein fortwährend auf dem Laufenden zu erhaltendes alphabetisches Namensregister der Hinterleger mit Beisetzung der Ordnungsnummern ihrer Gesuche nach.

V. Verschiedenes.

Art. 43. — Mit Bewilligung des Departements, welches dem eidgenössischen Amt für geistiges Eigentum vorsteht, kann letzteres seine Beziehungen zu Patentagenten, oder sonstigen die Vertretung berufsmässig ausübenden Personen, welche sich als unfähig erweisen, oder deren Handlungsweise gegenüber dem Amte oder ihren Klienten zu ernsten Klagen Anlass giebt, in dem Sinne unterbrechen, dass es von denselben keine neuen Patentgesuche entgegennimmt.

In der Regel findet die erstmalige Unterbrechung der Beziehungen auf die Dauer eines Monats statt, im Wiederholungsfalle auf längere Zeit, eventuell für immer.

Gegen Patentagenten ergriffene Disciplinarmassregeln werden vom Amt unter Angabe der Motive registriert und im schweizerischen Handelsamtsblatt ohne Begründung veröffentlicht.

Art. 44. — Das eidgenössische Amt für geistiges Eigentum ist ermächtigt, von sich aus die auf Patentgesuche und ihre Registrierung bezügliche Korrespondenz zu führen.

Art. 45. — Die an das eidgenössische Amt für geistiges Eigentum gerichteten Briefe und Sendungen müssen frankiert sein.

Art. 46. — Das eidgenössische Amt hält ein Kassabuch, in welches seine Einnahmen und Ausgaben eingetragen werden, und stellt allmonatlich Rechnung. Das Kontrollbureau des Finanzdepartements wird Rechnung und Kassabuch alle Monate verifizieren, indem es dieselben mit dem Eintragungsregister der Patente, mit den Belegen und mit der Buchhaltung vergleicht.

Art. 47. — Zu Anfang jedes Jahres veröffentlicht das eidgenössische Amt statistische Tabellen betreffend die im abgelaufenen Jahre verlangten und erteilten Patente jeder Kategorie, ihre Vertheilung nach den verschiedenen Erfindungsklassen und nach den verschiedenen Staaten, die Einnahmen und Ausgaben jeder Art, sowie etwaige andere sachbezügliche Angaben von allgemeinerem Interesse.

Art. 48. — Vorliegende Vollziehungsverordnung tritt am 1. Dezember 1896 in Kraft. Sie ersetzt diejenige vom 21. Juli 1893 und den Bundesratsbeschluss vom 18. September 1894 betreffend Verwendung der bleibend hinterlegten Modelle.

Bern, den 10. November 1896.

Im Namen des schweiz. Bundesrates,
Der Bundespräsident:
A. Lachenal.
Der Kanzler der Eidgenossenschaft:
Ringier.

16.

ITALIE, MÉXIQUE.

Convention concernant la nationalité des natifs étrangers de la première génération; signée à Méxique le 20 août 1888.*)

Raccolta ufficiale delle leggi e dei decreti, 1894.

Gli infrascritti, Ministro di S. M. il Re d'Italia nella Repubblica messicana, e Segretario di Stato per gli affari esteri della Repubblica stessa, debitamente autorizzati dai loro rispettivi Governi a concludere ad referendum una convenzione che rimuova qualunque dubbio circa la nazionalità degli italiani nati nel Messico e dei messicani nati in Italia, hanno convenuto negli articoli seguenti:

Art. 1. — I figli di padre italiano o di padre ignoto e di madre italiana, nati in territorio messicano, saranno considerati come italiani a tutti gli effetti durante la loro minorità e conserveranno la stessa nazionalità giunti alla maggiorità, purchè allora, o nel termine di un anno dopo, computato dal giorno in cui l'abbiano compiuta, manifestino, sia direttamente, sia per mezzo degli Agenti diplomatici o consolari italiani residenti nel Messico, il desiderio di conservare la menzionata nazionalità.

La semplice omissione di manifestare tale desiderio come si specifica più sopra, farà sì che vengano considerati come della nazionalità del paese di loro nascita.

Art. 2. — I figli di padre messicano o di padre ignoto e di madre messicana, nati in territorio italiano, saranno considerati come messicani a tutti gli effetti durante la loro minorità e conserveranno la nazionalità stessa giunti alla maggiorità, purchè allora, o nel termine di un anno dopo, computato dal giorno in cui l'abbiano compiuta, manifestino, sia direttamente

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*) Les ratifications ont été échangées à Méxique le 17 août 1892.

sia per mezzo degli Agenti diplomatici o consolari messicani residenti in Italia, il desiderio di conservare la menzionata nazionalità.

La semplice omissione di manifestare tale desiderio come si specifica più sopra, farà sì che vengano considerati come della nazionalità del paese di loro nascita.

Art. 3. — La maggiorità di che negli articoli precedenti sarà determinata dalla legislazione del paese del padre, e, se questi fosse ignoto, dalla legislazione del paese della madre delle persone alle quali la presente convenzione si riferisce.

Art. 4. — La presente convenzione sarà ratificata nei modi voluti dalle rispettive costituzioni dei due Stati contraenti, e lo scambio delle ratifiche avrà luogo in Messico al più presto possibile. Essa comincierà a produrre i suoi effetti dal giorno dello scambio delle ratifiche e durerà per anni cinque contati da quella data.

Se nessuna delle Alte Parti contraenti notificherà un anno prima della suddetta scadenza, l'intenzione di fare cessare gli effetti della presente convenzione, essa continuerà ad essere in vigore sino ad un anno dopo che una delle Alte Parti contraenti l'abbia denunciata.

In fede di che, i rappresentanti rispettivi hanno firmato la presente convenzione e vi hanno apposto i loro sigilli.

Fatta in Messico, in doppio originale, addì venti di agosto mille ottocento ottantotto.

G. B. Viviani.
I. Mariscal.

17.

ÉTATS-UNIS D'AMERIQUE, VÉNÉZUELA.

Convention additionnelle conclue pour proroger le terme fixé pour l'échange des ratifications de la convention du 5 décembre 1885, et pour proroger le terme fixé pour l'échange des ratifications de la convention du 15 mars 1888; signée à Washington le 5 octobre 1888.*)

Conventions concluded by the United States of America with foreign nations.

Supplementary Convention between the United States of America and Venezuela, to further extend the period fixed for the exchange of ratifications of the Convention of December 5, 1885, and to extend the period for the exchange of the ratifications of the Convention of March 15, 1888.

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*) Ratifiée à Washington le 3 juin 1889.

Whereas, by Articles I and II of a Convention, signed and concluded by the respective Plenipotentiaries of the United States and Venezuela, in the city of Washington, on the 15th day of March, 1888, it was provided that the time fixed by the Convention between the said parties, signed and concluded December 5, 1885, for the exchange at Washington of the ratifications thereof, should be extended to a period not exceeding five months from the date of said Convention, to wit, from the 15th day of March, 1888, or sooner if possible, and that the ratifications of said Convention of March 15, 1888, should in like manner be exchanged at Washington within the same period;

And whereas the period, as aforesaid prescribed, elapsed on the 15th day of August, 1888, without such exchange having been effected;

And whereas it appears that the Congress and Government of Venezuela did, according to the Constitutional forms of that Republic, ratify and confirm the said Conventions at Caracas on the 27th day of July, 1888, and that the President of the Republic of Venezuela did on the 2nd day of August, 1888, fully empower the representative of that Republic in the United States to exchange ratifications thereof with whoever should be duly authorized on behalf of the United States;

And whereas the said Conventions having been theretofore duly ratified by the President of the United States, by and with the advice and consent of the Senate thereof, the Secretary of State of the United States, duly empowered by the President of the United States, was ready on and before the said 15th day of August, 1888, to effect the exchange of ratifications of the said Conventions as stipulated;

And whereas, by reason of unavoidable delay, the copy of the said Convention ratified by the Government of Venuzuela as aforesaid and the necessary powers to enable the Representative of that Government in the United States to make exchange of ratifications could not be produced in the city of Washington, D. C., until after the expiration of the period so as aforesaid stipulated for the exchange of ratifications;

Now, therefore, the Governments of the United States and Venezuela, being desirous of completing and putting in force the two Conventions aforesaid at the earliest day possible, have respectively named as their Plenipotentiaries to conclude a Convention for that purpose,

The President of the United States of America, Thomas F. Bayard, Secretary of State of the United States of America,

And the President of the United States of Venezuela, Francisco Antonio de Silva, Chargé d'Affaires of the United States of Venezuela at Washington;

Who, after reciprocally satisfying each other in good and due form of their competency to negotiate to such end, have agreed upon the following Articles:

Art. 1. — The time fixed, by Articles 1 and 2 of the Convention between the Contracting Parties, signed at Washington, the 15th day of March, 1888, within which to affect the exchange of the ratifications of the Convention between said parties signed at Washington, on the 5th day

of December, 1885, and also of the said Convention of the 15th day of March, 1888, is hereby extended to a period not exceeding ten months from the 15th day of August, one thousand eight hundred and eighty-eight, or sooner if possible.

Art. 2. — The present Convention shall be ratified by the President of the United States of America, by and with the advice and consent of the Senate thereof; and by the President of the United States of Venezuela, by and with the advice and consent of the Congress thereof; and the ratifications shall be exchanged at Washington, as soon as possible within the time specified in Article 1 hereof as the period of extension of the time for the exchange of ratifications of the Convention signed at Washington, on the 5th day of December, 1885, and of the Convention signed at Washington on the 15th day of March, 1888.

In witness whereof, the respective Plenipotentiaries have signed and sealed the present Convention in duplicate, in the English and Spanish languages.

Done at Washington, this fifth day of October, in the year of our Lord, one thousand eight hundred and eighty-eight.

T. F. Bayard (Seal.)
Fco. Anto. Silva (Seal.)

18.

MONACO.

Loi et ordonnances sur la protection des œuvres littéraires et artistiques du 27 février 1889, 20 mai 1889, 3 juin 1896.

Publication officielle. Imprimerie de Monaco.

I.

Dispositions Préliminaires.

Article Premier. — Les droits des auteurs sur leurs œuvres littéraires ou artistiques sont placés sous la protection de la loi et réglés par les dispositions suivantes.

Art. 2. — L'expression „Œuvres littéraires ou artistiques" comprend les livres, brochures ou tous autres écrits; les œuvres dramatiques ou dramatico-musicales, les compositions musicales avec ou sans paroles; les œuvres de dessin, de peinture, de sculpture, de gravure; les lithographies, les photographies, les illustrations, les cartes géographiques; les plans, croquis et ouvrages plastiques, relatifs à la géographie, à la topographie, à l'architecture ou aux sciences en général; enfin, toute production quelconque du domaine littéraire, scientifique ou artistique, qui pourrait être publiée par n'importe quel mode d'impression ou de reproduction.

Titre Premier.

Droits des Auteurs sur leurs œuvres littéraires ou artistiques.

Art. 3. — L'auteur d'une œuvre littéraire ou artistique a seul le droit, durant sa vie entière, de la publier ou de la reproduire, et d'en autoriser la publication ou la reproduction, de quelque manière ou sous quelque forme que ce soit.

Art. 4. — L'auteur d'une œuvre littéraire a, de plus, le droit exclusif d'en autoriser la traduction.

Art. 5. — Le traducteur dûment autorisé a, pour sa traduction, les mêmes droits que l'auteur de l'ouvrage original.

Mais, s'il s'agit d'une œuvre pour laquelle le droit de traduction est dans le domaine public, il ne peut pas s'opposer à ce que la même œuvre soit traduite par d'autres écrivains.

Art. 6. — Aucune œuvre dramatique ou dramatico-musicale ne peut être publiquement exécutée ou représentée, en tout ou en partie, sans le consentement de l'auteur.

Il en est de même des œuvres musicales non publiées et de celles qui ont été publiées avec réserve expresse des droits de l'auteur sur le titre ou en tête de l'ouvrage.

Art. 7. — Lorsque l'œuvre littéraire ou artistique a été créée par une collaboration, et qu'elle forme un tout indivisible, l'exercice des droits d'auteur est réglé par les conventions. A défaut de conventions, aucun des collaborateurs ne peut exercer ses droits d'une façon isolée, sauf au Tribunal Supérieur à prononcer dans le cas de désaccord et à ordonner telles mesures qu'il jugera utiles pour la garantie des privilèges de chacun.

L'ouvrage composé de paroles et de musique ne doit pas être réputé indivisible. L'auteur et le compositeur peuvent l'exploiter séparément, chacun pour sa part, par des publications, des traductions ou des exécutions publiques, mais ni l'un ni l'autre ne peut traiter avec un collaborateur nouveau pour l'autre partie.

Art. 8. — Les droits de l'auteur sont cessibles à titre gratuit ou à titre onéreux et transmissibles par succession ab intestat ou testamentaire, en tout ou en partie, conformément aux règles du Code Civil.

Mais, pour les cessionnaires, les héritiers, successeurs irréguliers ou légataires, la durée de ces droits est limitée à 50 ans, à dater du décès de l'auteur.

Lorsque l'œuvre est le produit d'une collaboration, le point de départ de ce délai est reculé au profit de tous les ayants droit, à la mort du survivant des collaborateurs.

Art. 9. — Les propriétaires par succession ou à tout autre titre d'un ouvrage posthume jouissent des droits d'auteur pendant la même période de cinquante ans, à compter du jour où cet ouvrage est publié.

Mais ils ne peuvent, à peine de déchéance, le réunir à une nouvelle édition d'œuvres déjà tombées dans le domaine public.

Art. 10. — L'éditeur d'un ouvrage anonyme ou pseudonyme est réputé à l'égard des tiers en être l'auteur.

Si l'auteur se fait connaître et prouve sa qualité, il rentre dans tous ses droits.

Art. 11. — Les droits reconnus aux auteurs ou à leurs ayants cause par les articles précédents reçoivent les tempéraments ci-après indiqués:

1° Les articles de journaux ou recueils périodiques peuvent être reproduits en original ou traduction, à la charge d'en indiquer la source, à moins que les auteurs ou éditeurs ne l'aient expressément interdit. Pour les recueils, il suffit que l'interdiction soit faite d'une manière générale en tête de chaque numéro du recueil. En aucun cas, cette interdiction ne peut s'appliquer aux articles de discussion politique ou à la reproduction des nouvelles du jour et des faits divers.

2° Il est permis de publier des emprunts faits à des œuvres littéraires ou artistiques, lorsque ces publications sont destinées à l'enseignement, lorsqu'elles ont un caractère scientifique ou constituent des chrestomathies.

3° L'article 6 n'est pas applicable aux exécutions musicales qui ont lieu dans les solennités civiles et religieuses, ou en plein air et gratuitement pour le public, ni aux exécutions ou représentations dont le produit est destiné à une œuvre de bienfaisance et qui ont été autorisées à ce titre par le Gouvernement.

Art. 12. — Les œuvres littéraires ou artistiques rentrent, comme biens meubles, dans le gage général des créanciers et sont saisissables selon les règles du droit commun, mais seulement lorsqu'elles ont été publiées.

Titre II.

Des conditions auxquelles est subordonnée la jouissance des droits d'auteur.

Art. 13. — Pour jouir du bénéfice des dispositions de la présente Ordonnance, l'auteur d'une œuvre littéraire ou artistique ou ses ayants cause devront faire, au Secrétariat du Gouvernement, une déclaration, qui sera enregistrée et dont il leur sera délivré un certificat portant la date précise du jour où elle aura été reçue.

Art. 14. — Cette déclaration devra contenir; 1° le titre de l'ouvrage littéraire ou une description circonstanciée de l'œuvre artistique: 2° le nom de l'auteur et celui de l'éditeur ou le nom de ce dernier seulement, s'il s'agit d'une œuvre anonyme ou pseudonyme; 3° leur nationalité; 4° le lieu et la date de la première publication; 5° si l'auteur est mort, l'époque de son décès.

Art. 15. — Aucune action civile ou correctionnelle ne sera recevable pour faits antérieurs à l'accomplissement de cette formalité

Celle-ci devra, du reste, être remplie dans l'année qui suivra la première publication, à peine de déchéance de tous droits.

Art. 16. — Elle ne dispense point l'imprimeur des obligations spéciales qui lui sont imposées par l'article 267 du Code Pénal.

Titre III.

Des délits contre les droits d'auteur
De leur répression — De leur poursuite.

Art. 17. — Toute édition ou reproduction, entière et partielle, d'une œuvre littéraire ou artistique, faite de mauvaise foi, au mépris des droits d'auteur, constitue le délit de contrefaçon.

Est prohibée notamment, à ce titre, la publication des ouvrages dits adaptations, arrangements de musique, et en général de tous emprunts faits à une œuvre littéraire ou musicale avec des changements, additions ou retranchements, qui en laissent subsister les traits caractéristiques, sans présenter le caractère d'une nouvelle œuvre originale.

Mais la fabrication et la vente des instruments servant à reproduire mécaniquement des airs de musique empruntés au domaine privé ne constituent pas le fait de contrefaçon musicale.

Art. 18. — L'application frauduleuse, sur un ouvrage de littérature, de musique, ou sur un objet d'art, du nom d'un auteur ou de tout signe distinctif adopté par lui pour désigner son œuvre, est assimilée à la contrefaçon.

Art. 19. — La contrefaçon sera puni d'une amende de cent francs au moins et de deux mille francs au plus.

Art. 20. — La même peine sera applicable au débit, à l'exposition, à l'introduction et à l'exportation des ouvrages contrefaits.

Art. 21. — Das les cas prévus aux articles précédents, la confiscation tant des ouvrages contrefaits que des planches, moules ou matrices, ayant servi à la contrefaçon, sera prononcée contre les condamnés.

Art. 22. — Toute exécution ou représentation publique d'œuvres dramatiques, musicales ou dramatico-musicales, faite au mépris des dispositions de l'article 6, sera punie d'une amende de cinquante francs au moins, de cinq cents francs au plus, et de la confiscation des recettes.

Art. 23. — Lorsque la confiscation sera prononcée, les objets seront remis à l'auteur ou à ses ayants cause à titre d'indemnité, sans préjudice de plus amples dommages-intérêts, s'il y a lieu.

Art. 24. — Les infractions à la présente Ordonnance ne seront poursuivies que sur la plainte de l'auteur ou de ses ayants cause.

Art. 25. — Elles seront constatées, à leur réquisition, par les officiers de police judiciaire.

Art. 26. — Sauf les règles spéciales ci-dessus établies, il n'est point dérogé, en ce qui les concerne, aux prescriptions du Code d'Instruction criminelle ni du Code Pénal, notamment à celles des articles 259 à 273 et 471 de ce dernier Code.

Titre IV.

De l'action civile résultant des droits d'auteur.

Art. 27. — Toute atteinte aux droits d'auteur donne ouverture à une action civile en réparation du préjudice causé, qui doit être instruite

et jugée en la forme ordinaire, sans préjudice de la faculté, pour le titulaire de ces droits, de procéder par la voie criminelle, conformément au droit commun, si le fait constitue une infraction punissable.

Art. 28. — Le titulaire des droits d'auteur peut aussi, en dehors de toute poursuite correctionnelle, avec l'autorisation du Président du Tribunal Supérieur, faire procéder à la désignation ou description détaillée, avec ou sans saisie, des objets de la contrefaçon.

Art. 29. — L'Ordonnance d'autorisation sera rendue sur simple requête et sur la présentation d'un certificat de l'Autorité compétente, constatant l'accomplissement des formalités prescrites pour l'exercice des droits prétendus.

La requête devra contenir élection de domicile dans la Principauté, si elle est présentée par un étranger.

Art. 30. — Le Président du Tribunal Supérieur pourra imposer au requérant l'obligation de consigner un cautionnement. Dans ce cas, l'Ordonnance ne sera délivrée que sur la preuve de la consignation faite.

Le cautionnement sera toujours imposé à l'étranger.

Art. 31. — Il sera laissé copie de l'Ordonnance au détenteur des objets décrits ou saisis, à peine de nullité et de dommages-intérêts.

Art. 32. — A défaut par le requérant, de s'être pourvu devant le Tribunal Supérieur dans le délai de quinzaine qui suivra le procès-verbal de description ou de saisie, celle-ci sera nulle de plein droit, sans préjudice des dommages-intérêts qui pourraient être réclamés, s'il y a lieu.

Titre V.

Droits des Etrangers.

Art. 33. — Les dispositions de la présente Ordonnance seront applicables à l'auteur étranger d'une œuvre littéraire ou artistique, publiée ou non dans la Principauté, et à ses ayants cause, dans la mesure des droits qui sont ou seront accordés aux sujets monégasques par les lois ou les traités, soit de la nation à laquelle cet étranger appartiendra, soit du pays de la première publication, lorsque celle-ci aura lieu en dehors du pays de l'auteur.

Dans ce dernier cas, si la première publication est faite simultanément dans plusieurs pays, les droits de l'étranger seront mesurés d'après la législation qui accordera la durée de protection la plus courte.

Art. 34. — L'étranger ne pourra jamais être admis à réclamer dans la Principauté des droits plus étendus que ceux qui sont ou seront garantis aux sujets monégasques par les lois de l'Etat.

Art. 35. — Il sera dispensé de l'accomplissement des formalités énoncées au titre II, si la législation du pays de la première publication subordonne, de son côté, d'une façon absolue, la jouissance des droits d'auteur à l'enregistrement d'une déclaration ou à un dépôt à faire dans un délai préfix et s'il prouve avoir satisfait à cette prescription.

Titre VI.

Dispositions Générales.

Art. 36. — La présente Ordonnance sera mise en vigueur à dater du 1er juin 1889.

Art. 37. — Elle sera applicable à toutes œuvres littéraires ou artistiques qui ne seront pas audit jour tombées dans le domaine public, dans la même mesure que si elle avait été promulguée déjà au moment de leur publication.

Toutefois, le point de départ du délai fixé pour la déclaration prescrite, à peine de déchéance, par les dispositions du titre II, sera reporté en ce qui les concerne, à cette même date.

Art. 38. — Un arrêté de Notre Gouverneur Général édictera les mesures nécessaires pour l'application des articles 13 et 14.

Art. 39. — Notre Secrétaire d'Etat, Notre Avocat Général et Notre Gouverneur Général sont chargés, chacun en ce qui le concerne, de l'exécution de la présente Ordonnance.

Donné en Notre Palais, à Monaco, le vingt-sept février mil huit cent quatre-vingt-neuf.

Charles.

Par le Prince:
P. le Secrétaire d'Etat:

Le Conseiller d'Etat délégué,
F. Dugué de Mac Carthy.

II.

Arrêté concernant l'Exécution de Ordonnance du 27 Février 1889 sur la Protection des œuvres littéraires et artistiques.

Nous, Gouverneur Général de la Principauté,

Vu l'article 38 de l'Ordonnance du 27 février 1889 sur la protection des œuvres littéraires et artistiques,

Arrêtons:

Article Premier. — Il est ouvert au Secrétariat Général du Gouvernement un registre destiné à l'enregistrement de la déclaration exigée par les articles 13 et 14 de ladite Ordonnance pour la jouissance des droits d'auteur.

Ce registre est établi dans la forme du modèle **A** joint au présent arrêté, avec un répertoire alphabétique qui doit être constamment tenu à jour.

Art. 2. — La déclaration à enregistrer doit être faite par écrit, dans la langue française, en double original, d'après la formule **B** ci annexée, et parvenir franc de port audit Secrétariat Général.

Art. 3. — Elle doit émaner de l'auteur, d'un de ses ayants-cause ou d'un fondé de pouvoir de l'ayant-droit. Dans ce dernier cas, la procuration spéciale reste jointe au dossier, et mention en est faite sur le registre.

Toutefois, le droit du déclarant n'est soumis à aucun examen préalable, non plus que l'exactitude de sa déclaration, et l'enregistrement est effectué à ses risques et périls.

Art. 4. — Pour les œuvres dont la publication a lieu en plusieurs parties successives, non périodiques, chaque partie paraissant à une époque distincte doit faire l'objet d'une déclaration spéciale.

Art. 5. — L'accomplissement des formalités prescrites par les articles précédents est constaté, dans la forme du modèle C ci-après, par un certificat, apposé au bas de l'un des originaux de déclaration, qui est remis au déclarant.

L'autre original est conservé au Secrétariat Général du Gouvernement avec les pièces qui doivent y être annexés.

Art. 6. — Il est permis à toute personne de prendre connaissance du registre et des dossiers relatifs à l'enregistrement et d'en faire des extraits, qui seront certifiés sur sa demande.

Art. 7. — L'enregistrement des déclarations, les certificats, les communications et les extraits ci-dessus prévus ne donnent lieu à la perception d'aucune taxe.

Art. 8. — Le présent arrêté entrera en vigueur le 1er juin 1889.

Il s'appliquera aux œuvres antérieures à cette date, visées par l'article 37 de l'Ordonnance précitée comme aux œuvres nouvelles.

Fait à Monaco, en l'Hôtel du Gouvernement, le 20 mai 1889.

Le Gouverneur Général,

Bon de Farincourt.

Protection des œuvres littéraires et artistiques.

Registre (Modèle **A**)

Numéro d'Ordre	Date de l'enregistrement	Désignation de l'œuvre (1)	Nom et Domicile du déclarant — Qualité en laquelle il agit (2)	Nom et Nationalité de l'auteur (3)	Nom et Nationalité de l'éditeur (4)	Lieu et Date de la Première Publication (5)	Observations (6)

(1) Titre de l'œuvre littéraire, dramatique ou dramatico-musicale; courte description de l'œuvre artistique; indication de l'objet représenté; nature de la reproduction, p. ex. gravure sur acier, lithographie, photographie, etc., etc.
(2) Comme ayant-droit ou comme fondé de pouvoir.
(3) Ou des auteurs, s'il y en a plusieurs.
(4) L'indication du nom et de la nationalité de l'éditeur suffit quand l'œuvre est anonyme ou pseudonyme.
(5) Si la première publication a été faite simultanément dans plusieurs pays, ceux-ci doivent être tous indiqués.
(6) Si l'auteur est mort, date de son décès, etc.

Approuvé pour être annexé à Notre Arrêté du 20 Mai 1889.

Le Gouverneur Général
Bon de Farincourt.

Formule B.

Déclaration
pour
l'enregistrement d'une œuvre littéraire ou artistique.

Je soussigné ..... déclare requérir l'enregistrement de l'œuvre désignée ci-après, pour assurer, en ce qui la concerne, la jouissance des droits d'auteur, conformément à l'Ordonnance Souveraine du 27. février 1889.

Désignation de l'œuvre (1) { .....
.....
.....

Nom et domicile du déclarant (2) { .....
.....

Nom et nationalité de l'auteur (3) .....

Nom et nationalité de l'éditeur (4) .....

Lieu et date de la première publication (5) .....

A ..... le .....

(Signature)

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(1) Titre de l'œuvre littéraire, dramatique ou musicale; courte description de l'œuvre artistique; indication de l'objet représenté; nature de la reproduction, p. ex. gravure sur acier, lithographie, photographie, etc., etc.

(2) S'il agit comme fondé de pouvoir, la déclaration doit être accompagnée de la procuration.

(3) S'il est mort, date de son décès.

(4) Au cas d'œuvre anonyme ou pseudonyme, s'il est mort, date de son décès.

(5) Ou des premières publications, si l'œuvre a été publiée en même temps dans différents pays.

Modèle C. Principauté de Monaco.

Certificat de déclaration et d'enregistrement.

Registre No. .....

Reçu et enregistré la déclaration ci-dessus, au Secrétariat du Gouvernement, le .....

Approuvé pour être annexé à notre Arrêté du 20 mai 1889.

Le Gouverneur Général,
Bon de Farincourt.

III.

Ordonnance souveraine modifiant l'Ordonnance du 27 Sept. 1889 sur la Protection des œvres littéraires et artistiques.

Albert Ier

Par la Grâce de Dieu Prince Souverain de Monaco

Désireux de protéger d'une manière toujours plus large et efficace les droits des auteurs sur les œuvres littéraires et artistiques,

Notre Conseil d'État entendu,

Avons Ordonné et Ordonnons:

Article Premier. — L'Ordonnance du 27 février 1889, su la Protection des Œuvres littéraires et artistiques, est modifiée comme suit:

1° L'article 6 aura la teneur ci-après:

Aucune œuvre dramatique, musicale ou dramatico-musicale, ne peut être publiquement exécutée, en tout ou en partie, sans le consentement de l'auteur.

2° Le premier paragraphe de l'article 11 aura la teneur ci-après:

Les articles de journaux peuvent être reproduits en original ou traduction, à la condition d'en indiquer la source, avec le nom de l'auteur, s'ils sont signés, à moins que la reproduction en ait été spécialement interdite.

3° Le titre II, traitant des Conditions auxquelles est subordonnée la jouissance des droits d'auteur, est abrogé.

4° Les articles 12 à 16 inclus sont remplacés par les dispositions suivantes:

Art. 12. — Les œuvres littéraires et artistiques sont insaisissables tant qu'elles n'ont pas été éditées ou mises en vente.

Art. 13. — Toutefois, les œuvres des arts figuratifs peuvent être saisies dès qu'elles ont fait l'objet d'une exposition publique ou privée, ou que leur auteur a volontairement cessé de les détenir.

Art. 14. — L'aliénation d'une œuvre d'art n'emporte pas par elle-même aliénation du droit de reproduction.

Toutefois, s'il s'agit d'un portrait ou d'un buste commandé, le droit de reproduction est présumé, sauf stipulation contraire, aliéné avec l'œuvre.

Art. 15. — En aucun cas, le propriétaire de l'œuvre d'art n'est tenu de la mettre à la disposition de l'auteur ou de ses ayants-cause pour qu'il en soit fait des reproductions.

Art. 16. L'auteur d'une œuvre littéraire ou artistique n'est astreint à aucune formalité pour jouir des droits qui lui sont reconnus par la présente Ordonnance.

4° L'article 35 aura la teneur suivante:

La jouissance des droits reconnus à l'étranger par l'article 33 est uniquement subordonnée à l'accomplissement, dans le pays de la première publication de l'œuvre, des conditions et formalités requises par la législation de ce pays, ce dont, en cas de contestation, le juge pourra exiger qu'il soit justifié au moyen d'un certificat délivré par l'autorité compétente.

Art. 2. — Notre Secrétaire d'État, Notre Avocat Général et Notre Gouverneur Général sont chargés, chacun en ce qui le concerne, de l'exécution de la présente Ordonnance.

Donné en Notre Palais, à Monaco, le trois juin mil huit cent quatre-vingt-seize.

Albert.

Par le Prince:
P. le Secrétaire d'Etat,
Le Conseiller d'Etat délégué,
Dugué de Mac Carthy.

19.

ALLEMAGNE, GRANDE-BRETAGNE.

Arbitrage concernant l'île de Lamu; Sentence arbitrale rendue par le baron Lambermont à Bruxelles le 17 août 1889.

Moniteur Belge du 28 août 1890.

Nous publions, avec l'assentiment des gouvernements intéressés, la sentence arbitrale rendue par le baron Lambermont, Ministre d'État, dans le différend survenu l'an dernier entre l'Allemagne et l'Angleterre au sujet de l'île de Lamu, ainsi que la lettre d'envoi de ce document aux Ministres des deux puissances:

Nous, baron Lambermont, Ministre d'État de Sa Majesté le Roi des Belges,

Ayant accepté les fonctions d'arbitre qui nous ont été conférées par le gouvernement de S. M. l'Empereur d'Allemagne, Roi de Prusse, et par le gouvernement de S. M. la Reine de Grande-Bretagne et d'Irlande, Impératrice des Indes, au sujet d'un différend survenu entre la Compagnie allemande de Witu et la Compagnie impériale anglaise de l'Afrique orientale;

Animé du désir sincère de répondre par une décision scrupuleuse et impartiale à la confiance que les deux gouvernements nous ont témoignée;

Ayant, à cet effet, dûment examiné et mûrement pesé les documents qui ont été produits de part et d'autre;

Et voulant statuer sur l'object du litige qui est l'affermage des douanes et de l'administration de l'île de Lamu, située à la côte orientale d'Afrique;

L'une des parties revendiquant pour la Compagnie allemande de Witu la priorité du droit quant à cette prise à ferme;

L'autre soutenant que le feu Sultan et le Sultan actuel de Zanzibar se sont engagés à concéder ce même affermage à la Compagnie impériale anglaise de l'Afrique orientale et que les objections élevées du côté de

l'Allemagne ne sont pas de nature à mettre obstacle à ce que le Souverain de l'île de Lamu remplisse les obligations contractées par son prédécesseur et par lui-même envers cette société.

I.

Considérant que le mémoire présenté par le gouvernement impérial allemand fait, en premier lieu, dériver le droit de la Compagnie de Witu de la convention intervenue, les 29 octobre et 1er novembre 1886 *), entre l'Allemagne et l'Angleterre et de la portée qui aurait été attachée à cet accord par les puissances contractantes;

Attendu que la dite convention a circonscrit le terrain sur lequel elle devra recevoir son application dans des limites expressément déterminées, à savoir, en partant de la mer, la Rowuma au sud et le Tana au nord;

Qu'elle a ensuite divisé cet espace en deux zones, séparées par une ligne de démarcation suivant la Wanga ou Umbe;

Que, de ces deux zones, l'une est attribuée exclusivement à l'influence allemande qui s'exercera au sud de la ligne de démarcation et l'autre exclusivement à l'influence anglaise qui s'exercera au nord de la même ligne;

Que les limites respectives des deux zones d'influence sont ainsi nettement fixées et sont formées par la ligne de démarcation et le périmètre au delà duquel elles ne pourraient s'étendre sans sortir du territoire régi par l'arrangement;

Attendu que, pour tirer de l'esprit ou du sens de la convention une conséquence qui ne naît pas de son texte et qui attribuerait à l'Allemagne une liberté exclusive d'action sur les territoires situés au nord du Tana, il faudrait qu'une entente spéciale et nouvelle se fût, à cet effet, établie entre les puissances contractantes et qu'elle fût dûment constatée;

Qu'il n'est produit aucun acte justifiant de l'existence d'une telle entente, et

Que cette constatation ne résulte point de la note du gouvernement britannique en date du 7 septembre 1888, puisque, en reconnaissant que la sphère d'influence anglaise ne s'étend pas jusqu'à la rivière Osi, ce document est en parfaite concordance avec les termes de l'accord de 1886, qui limite son application aux territoires compris entre la Rowuma et le Tana,

Par ces motifs:

Nous sommes d'avis que, sauf la clause qui reconnaît comme appartenant au territoire de Witu la bande côtière entre Kipini et l'extrémité septentrionale de la baie de Manda, l'accord anglo-allemand des 29 octobre et 1er novembre 1886 n'étend pas plus ses effets au delà du Tana qu'au delà de la Rowuma et ne donne à aucune des parties un droit de préférence quant à l'affermage des douanes et de l'administration de l'île de Lamu, située en dehors des limites dans lesquelles cet arrangement doit, d'après ses propres termes, recevoir son application.

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*) V. **R. N. G.** 2e série T. XII. 298.

II.

Considérant que, selon le mémoire allemand, les îles de la baie de Manda, au point de vue géographique, appartiennent au pays de Witu, dont elles formeraient le prolongement; que, envisagée sous le rapport commercial, l'île de Lamu est le lieu de dépôt des marchandises qui arrivent du pays de Witu ou qui sont destinées à cette possession allemande, et enfin que sa dépendance du continent apparaît encore dans l'ordre juridique ou politique à raison des relations multipliées des habitants de l'île avec le continent et des questions de propriété ou de culture qui s'y rattachent, l'ensemble de ces faits démontrant que l'administration de l'île doit être confiée aux mains qui détiennent celle du continent;

Considérant que, de son côté, le mémoire anglais représente l'île de Lamu comme étant, depuis longtemps, un entrepôt du commerce britannique, un lieu d'escale pour les bateaux à vapeur de la Compagnie des Indes britanniques desservant l'Afrique orientale et un centre de commerce qui est presque exclusivement entre les mains de négociants anglais;

Attendu qu'aucune déduction tirée du voisinage du continent ne saurait, en ce qui concerne l'île de Lamu, prévaloir contre la clause formelle de l'accord anglo-allemand des 29 octobre et 1er novembre 1886, qui range cette île parmi les possessions dont la souveraineté est reconnue au Sultan de Zanzibar, et

Que, si des considérations basées sur l'intérêt économique et administratif ou sur des convenances politiques peuvent mettre en lumière les avantages ou les inconvénients qu'offrirait une solution conforme aux vues de l'une ou de l'autre des parties, de telles raisons ne tiennent pas lieu d'un mode d'acquisition reconnu par le droit international,

Par ces motifs:

Nous sommes d'avis que ni la dépendance géographique, ni la dépendance commerciale, ni l'intérêt politique proprement dit ne mettent aucune des parties en position de réclamer, à titre de droit, la cession des douanes et de l'administration de l'île de Lamu.

III.

Les questions d'un caractère préjudiciel ainsi résolues et le débat étant amené sur le terrain des engagements qu'auraient pris les Sultans de Zanzibar envers les deux parties:

Considérant qu'il y a lieu de rechercher si, et jusqu'à quel point, les engagements invoqués par les deux parties réunissent les conditions nécessaires à la justification de leur existence et de leur validité;

En ce qui concerne la Compagnie allemande de Witu:

Considérant que, le 10 décembre 1887, le consul général d'Allemagne et M. Töppen, représentant de la Compagnie de Witu, ont été reçus en audience par le Sultan Sayd Bargash, audience dont le consul général a rendu compte à son gouvernement par un rapport qui n'est pas produit, mais dont le mémoire allemand termine l'analyse en ces termes: „Le résultat de cet entretien développé peut être résumé en ce sens que le

Sultan se déclarait être immédiatement prêt (sofort sich bereit erklärte) à accorder la concession pour les îles de la baie de Manda à la Compagnie de Witu aussitôt que l'autre arrangement avec la Compagnie orientale africaine allemande serait conclu, et qu'il ne désirait conserver sa liberté d'action que pour la fixation de l'un ou de l'autre mode, de l'indemniser en argent"; et que, dans sa lettre du 16 novembre 1888 au Sultan Sayd Khalifa, le consul général s'exprime ainsi: „Je me permets de rappeler que sous Said Bargash déjà des négociations se sont poursuives tendant à une concession des îles de la baie de Manda à la Compagnie allemande de Witu, dont M. Töppen est le représentant à Lamu; Sayd Bargash a reçu M. Töppen en ma présence et il s'est montré prêt à prendre un semblable engagement (Sayd Bargash hat seine Bereitwilligkeit ein derartiges Abkommen zu treffen, ausgesprochen) aussitôt que la convention avec la Compagnie orientale africaine serait arrivée à conclusion";

Attendu que les termes dont se serait servi le Sultan, pris dans leur sens naturel, impliqueraient l'intention de conclure une convention;

Que, pour transformer cette intention en une promesse unilatérale valant convention, l'accord des volontés aurait dû se manifester par la promesse expresse de l'une des parties, jointe à l'acceptation de l'autre, et que cet accord de volontés aurait dû porter sur les éléments essentiels qui constituent l'objet de la convention;

Attendu que, dans une espèce telle que celle dont il s'agit, la prise à ferme des douanes et de l'administration d'un territoire ou d'un port devait être un contrat synallagmatique, comprenant de la part du bailleur la cession de l'exercice de droits souverains qui peuvent être formulés de manières très diverses quant à leur objet et leur durée et consistant de la part du preneur en une redevance fixe ou proportionnelle;

Que dans les paroles attribuées au Sultan, telles qu'elles sont résumées par le mémoire allemand et reproduites par la lettre du consul général d'Allemagne du 16 novembre 1888, les conditions essentielles du contrat à intervenir ne se trouvent pas déterminées;

Attendu que, si aucune loi ne prescrit une forme spéciale pour les conventions entre États indépendants, il n'en est pas moins contraire aux usages internationaux de contracter verbalement des engagements de cette nature et de cette importance;

Que l'adoption de la forme écrite s'impose particulièrement dans les rapports avec les gouvernements de nations peu civilisées, qui souvent n'attachent la force obligatoire qu'aux promesses faites en une forme solennelle ou par écrit:

Que, surtout dans l'espèce, l'existence d'une convention verbale devrait résulter de stipulations formelles et qu'on ne pourrait, sans grave détriment pour la sécurité et la facilité des rapports internationaux, la déduire de la simple déclaration qu'on est prêt à accorder une concession;

Attendu qu'il n'est produit d'autres pièces écrites vers l'époque dont il s'agit que la lettre, en date du 21 novembre 1887, par laquelle le consul général d'Allemagne a transmis au Sultan Sayd Bargash la proposition de M. Töppen et l'accusé de réception du Sultan, daté du même jour, et qui ne se prononçait pas sur le fond;

Que, entre le 10 décembre 1887, date de la promesse qu'aurait faite le Sultan, et le 28 mars 1888, date de sa mort, il n'est fourni aucun document, aucune indication écrite ou verbale émanant de Sa Hautesse et constatant ou impliquant son assentiment à la proposition du représentant de la Compagnie de Witu;

Que, d'après les assurances réitérées du Sultan actuel et données soit au consul général d'Allemagne, soit au consul général d'Angleterre, on n'aurait découvert, ni dans les archives du sultanat, ni dans les souvenirs des employés, aucune trace de cet acquiescement et que, eût-on retrouvé les pièces écrites qui viennent d'être mentionnées, l'accusé de réception du Sultan Sayd Bargash aurait témoigné qu'à leur date Sa Hautesse n'avait rien préjugé;

Que, dès lors, quel que soit le sens que l'on attache aux paroles du Sultan Sayd Bargash, la preuve de l'ouverture de la négociation a seule été administrée; qu'en ce qui concerne l'engagement lui-même, s'il en est fait mention dans la lettre que le consul général d'Allemagne a écrite au Sultan, le 16 novembre 1888, et s'il est rapporté dans la dépêche adressée par le même agent à son propre gouvernement à la suite de l'audience du 10 décembre 1887, il doit être de principe, en matière internationale comme en toute autre, et toute question de bonne foi à part, qu'on ne peut se créer de titre à soimême;

Attendu, enfin, quelque digne de confiance que soit l'agent consulaire et sa bonne foi étant absolument mise hors de cause, que les paroles du Sultan Sayd Bargash ont été prononcées en arabe, recueillies et traduites par un drogman sans qu'il soit possible de contrôler la fidélité de cette traduction et que leur interprétation n'a été ni confirmée par le défunt Sultan, ni reconnue par son successeur,

Par ces motifs:

Nous sommes d'avis que la preuve de l'engagement qu'aurait contracté le Sultan Sayd Bargash au 10 décembre 1887 d'affermer les douanes et l'administration de l'île de Lamu à la Compagnie allemande de Witu n'est pas fournie à suffisance de droit, et

Que, en conséquence, ladite compagnie ne peut fonder aucun droit de préférence ou de priorité sur les déclarations du Sultan au cours de l'entretien qui a eu lieu à cette date;

Considérant qu'il y a lieu d'examiner si les faits accomplis depuis l'avènement du Sultan actuel ne sont pas venus modifier le bien-fondé de ces conclusions;

Attendu que, d'après le mémoire allemand, le Sultan Sayd Khalifa aurait déclaré au consul général d'Allemagne, en juin 1888, qu'il n'accorderait plus aucune concession sans s'être entendu avec les représentants de l'Allemagne et de l'Angleterre et que, d'après la lettre du consul général d'Allemagne au Sultan, en date du 16 novembre suivant, ce dernier l'aurait assuré qu'il n'existait pas encore de proposition anglaise et que, s'il s'en produisait; il demanderait à l'avance l'opinion du consul général d'Allemagne;

Attendu que, dans sa lettre du 12 janvier 1889 audit consul général, Sayd Khalifa se défend d'avoir fait ou pu faire ces déclarations, l'erreur pouvant dans son opinion provenir d'un malentendu attribuable au drog-

manat et que, dans sa lettre du 16 du même mois au consul général d'Angleterre, lettre insérée au mémoire anglais, Sa Hautesse a répété ses dénégations;

Que, sans mettre en question la bonne foi des parties, on peut et on doit reconnaître que les déclarations dont il s'agit n'auraient pu conférer par elles-mêmes aucun droit à la Compagnie de Witu sur l'île de Lamu, et

Que, au surplus, quant à leur portée à d'autres égards, elles tomberaient par leur forme sous l'application des principes ci-dessus développés,

Par ces motifs:

Nous sommes d'avis que les faits postérieurs à l'entretien du 10 décembre 1887 n'ont pas changé sa portée, telle qu'elle est définie dans les conclusions précédentes;

En ce qui concerne la Compagnie impériale anglaise de l'Afrique orientale;

Considérant que, dans le système du mémoire anglais, les Sultans de Zanzibar auraient, dès 1877, constamment tenu à la disposition de M. William Mackinnon, de ses associés et de la future compagnie britannique une concession de territoires comprenant l'île de Lamu, que la dite concession, loin d'être jamais rejetée ou retirée, aurait été acceptée de temps en temps pour ce qui concerne certaines parties de ces territoires, le reste, et particulièrement Lamu, ayant été réservé à la disposition ultérieure des dites personnes et de la dite compagnie;

Attendu que le contrat de cession qui doit servir de base à ces promesses n'est représenté qu'en un projet qui ne porte ni date ni signature;

Que, dans cette forme, on ne peut y voir qu'une proposition faite au Sultan Sayd Bargash, sans qu'il soit prouvé que celle-ci ait été transformée en une concession de Sa Hautesse à M. Mackinnon ou en une promesse générale de céder l'administration du sultanat à la compagnie anglaise, promesse que cette société aurait successivement acceptée pour les diverses parties des territoires appartenant au Sultan;

Qu'aucun des actes postérieurs allégués par la compagnie anglaise ne mentionne directement et clairement ce projet, qui n'a reçu aucun commencement d'exécution;

Que le témoignage du général Mathews, commandant des troupes du Sultan, témoignage inscrit au mémoire anglais et reçu sous serment, le 23 janvier 1889, rappelle des négociations entamées environ neuf ans auparavant et poursuivies jusqu'au commencement de 1887, mais ne cite aucune convention conclue pendant cette période;

Que l'écrit en forme solennelle remis par le Sultan Sayd Bargash au consul général d'Angleterre, à la date du 6 décembre 1884, eût été inutile si le projet de 1877 avait eu la valeur d'une promesse contractuelle liant absolument le Sultan à l'égard de la Compagnie impériale anglaise;

Qu'il n'est pas possible, à l'aide des documents produits, de rattacher à ce projet, par un lien direct d'où résulterait l'exécution d'une convention

antérieure parfaite et valable, les négociations qui ont été reprises par M. Mackinnon au printemps de 1887;

Attendu que, à la date du 22 février 1887, le Sultan Sayd Bargash adressa à M. Mackinnon un télégramme par lequel Sa Hautesse se déclarait prête à lui accorder les concessions qu'il (M. Mackinnon) avait antérieurement proprosées et que cette offre a été suivie, le 24 mai, de la conclusion d'un accord concédant à la Compagnie impériale anglaise la bande côtière de la Wanga à Kipini;

Que, dans cet accord, il n'est fait aucune mention des territoires situés au nord de Kipini et comprenant l'île de Lamu;

Que, à l'égard de ceux-ci, la Compagnie impériale anglaise se borne à invoquer le témoignage du général Mathews, déclarant qu'à sa connaissance ces territoires ont été offerts par le Sultan à M. Mackinnon en 1887; qu'il a toujours compris qu'ils ont été réservés, selon le désir de M. Mackinnon, pour une concession ultérieure, et qu'il fut envoyé, comme représentant du Sultan, faire à M. E.-N. Mackensie, agent de la Compagnie impériale anglaise, une communication verbale l'autorisant à informer M. Mackinnon que tous les territoires au nord de Kipini lui seraient offerts de préférence quand ils viendraient à être affermés au cédés;

Attendu qu'on ne peut trouver dans le message verbal dont a été chargé le général Mathews, quelque considération d'ailleurs que puisse mériter son témoignagne, les éléments d'une promesse actuelle et positive de faire une concession dont les conditions essentielles seraient suffisamment déterminées, et

Que, quant à l'acceptation réservée ou anticipée de M. Mackinnon, elle ne fait l'objet de la part du général que d'une appréciation purement personnelle;

Attendu que le témoignage du général Mathews est en concordance vace le télégramme ci-dessus cité du Sultan Sayd Bargash quant à l'intention de traiter avec les Anglais et que cette intention se retrouve et prend corps dans la lettre adressée par son successeur le 26 août 1888, au consul général d'Angleterre;

Que toutefois, si cette dernière lettre constitue un engagement politique de gouvernement à gouvernement de ne point céder l'administration du sultanat à d'autres qu'à des sujets du Sultan ou à des Anglais ou à M. Mackinnon pour ce qui concerne Zanzibar et Pemba, on n'y rencontre pas encore la promesse directe et actuelle de céder à la Compagnie impériale anglaise elle-même tous les ports du Nord;

Attendu que l'intention de traiter avec les Anglais est, d'autre part, exprimée d'une manière évidente dans la lettre de Sayd Khalifa au consul général d'Allemagne, en date du 12 janvier 1889, et

Qu'il n'y a pas lieu de s'arrêter à l'objection que cette détermination serait viciée pour avoir eu une cause fausse, à savoir que le Sultan Sayd Khalifa ne l'aurait prise qu'en raison d'une promesse qu'il croyait avoir été faite par son prédécesseur à la société anglaise, la connaissance de la communication faite, le 22 février 1887, par son prédécesseur, ainsi que des démarches faites au nom de celui-ci par le général Mathews ayant pu légitimement influer sur sa résolution, et le Sultan ayant pu d'ailleurs ne

pas se décider d'après un mobile unique, ainsi qu'il ressort de sa dite lettre au consul général d'Allemagne et de celles qu'il a, dans le cours du même mois, adressées au consul général d'Angleterre et qui sont reproduites au mémoire anglais:

Attendu que l'intention itérativement manifestée par le Sultan Sayd Khalifa s'est traduite en fait par les négociations qui s'ouvirent au mois de janvier 1889 entre Sa Hautesse et M. Mackensie, mandataire de M. Mackinnon;

Que, dans ces négociations, les conditions essentielles de la reprise de l'administration et des douanes de l'île de Lamu ont été posées et débattues pour la première fois entre les parties;

Que l'accord des volontés s'est établi sur tous les points, ainsi que cela résulte de l'échange des lettres du 19 et du 20 janvier 1889 entre le Sultan et M. Mackensie, combiné avec le télégramme du Sultan à M. Mackinnon en date du 30 du même mois;

Mais attendu que l'acte ainsi préparé n'a pas reçu la signature du Sultan et que celui-ci l'a subordonnée à la levée d'un obstacle qui arrêtait sa détermination définitive,

Par ces motifs:

Nous sommes d'avis que le Sultan est resté maître de disposer de l'exercice de ses droits souverains dans les limites tracées par la lettre de son prédécesseur à Sir John Kirck du 6 décembre 1884 et par celle qu'il a lui-même adressée au consul général d'Angleterre le 26 août 1888, et

Que la Compagnie impériale anglaise de l'Afrique orientale ne produit aucun engagement valablement pris envers elle par l'un des Sultans de Zanzibar et créant en sa faveur un droit exclusif à la reprise des douanes et de l'administration de l'île de Lamu;

Considérant enfin que la signature de la convention formulée entre le Sultan Sayd Khalifa et le représentant de la Compagnie impériale anglaise de l'Afrique orientale n'a été différée qu'à raison de l'opposition du consul général d'Allemagne;

Et attendu que cette opposition se fonde sur le droit de priorité réclamé par la Compagnie allemande de Witu, droit dont la réalité a fait l'objet de conclusions précédentes,

Par ces motifs:

Nous sommes d'avis que l'accord projeté entre le Sultan Sayd Khalifa et le représentant de la Compagnie impériale anglaise de l'Afrique orientale au sujet de l'île de Lamu peut être signé sans donner prise à une opposition fondée en droit.

Fait à Bruxelles, en double original, le 17 août 1889.

Bon Lambermont.

Bruxelles, le 17 août 1889.

Monsieur le Ministre,
Mylord,

Je remets entre les mains de Votre Excellence la sentence arbitrale que j'ai prononcée au sujet de l'île de Lamu en acquit du mandat que le gouvernement impérial allemand et le gouvernement de Sa Majesté britannique m'ont fait l'honneur de me conférer.

Arbitre et non médiateur, je n'avais à dire que le droit et ne pouvais entrer dans le domaine des transactions.

Mais si les études auxquelles j'ai dû me livrer et une loyale pensée de conciliation pouvaient m'y autoriser aux yeux des deux gouvernements, je consignerais ici, à titre purement personnel et sans rentrer dans le cercle rigoureux de ma mission juridique, l'impression que m'a laissée l'examen des faits accomplis ou qui s'accomplissent dans l'Afrique orientale et un vœu qui est au fond de mes sentiments:

En 1886, l'Allemagne et l'Angleterre, dans un esprit de commune entente et par un accord auquel a adhéré le Sultan de Zanzibar, ont réglé leurs droits respectifs dans une partie importante de l'Afrique orientale. Cet acte n'était pas et ne pouvait être complet: il correspondait à une situation donnée et devait, en quelque sorte, marcher avec les événements. Ce que l'on a fait, il y a trois ans, pour les territoires au sud du Tana, ne pourrait-on le faire pour ceux qui s'étendent au nord de ce fleuve? Je ne me permets pas de trancher cette question. Il appartient aux gouvernements intéressés de l'examiner et, le cas échéant, de choisir le moment opportun. Sur un si vaste théâtre, il existe de multiples éléments de transaction. Si un nouvel accord venait à les coordonner, non seulement on pourrait arriver à des combinaisons résolvant les difficultés présentes dans un sens réciproquement avantageux, mais on éliminerait pour l'avenir la source même des dissidences qui dans l'état présent des choses, tendent à se multiplier.

Ces résultats si désirables, on ne peut les attendre d'un jugement qui statue en droit et sur un cas isolé: il sépare les intérêts en cause, il ne les concilie pas; il peut laisser subsister des regrets, il ne supprime pas le principe de compétitions capables d'entraver l'essor d'œuvres civilisatrices pour lesquelles l'esprit de concorde et le concours des toutes les énergies bienfaisantes sont la première condition de succès. C'est le vœu sincère de l'arbitre de voir les deux hautes puissances compléter sous ce rapport la tâche qui lui est échue et aboutir à un compromis général digne de leur sagesse, digne de la sollicitude qu'elles manifestent au même degré pour les graves intérêts engagés dans la prise de possession des territoires africains par les nations de l'Europe.

Au moment où expire ma mission, j'ai à cœur d'exprimer encore une fois ma profonde gratitude pour le témoignage de confiance dont j'ai été l'objet et que je reporte tout entier à mon pays et à son Souverain. Permettez-moi d'espérer, monsieur le Ministre, Mylord, que Votre Excellence, avec son obligeance si parfaite, voudra bien me servir d'organe auprès du gouvernement de l'Empereur, de la Reine.

Je saisis avec empressement cette occasion d'offrir à Votre Excellence les assurances de ma haute considération.

Bon Lambermont.

Son Excellence Monsieur d'Alvensleben, Envoyé Extraordinaire et Ministre Plénipotentiaire de S. M. l'Empereur d'Allemagne, Roi de Prusse.

Son Excellence lord Vivian, Envoyé Extraordinaire et Ministre Plénipotentiaire de S. M. la Reine de Grande-Bretagne et d'Irlande, Impératrice des Indes.

20.

MEXIQUE.

Loi sur la protection des marques de fabrique du 28 novembre 1889.

Diario oficial No. 133 (2 décembre 1889).

El Presidente de la República se ha servido dirigirme el Decreto que sigue: „Porfirio Diaz, Presidente Constitucional de los Estados-Unidos Mexicanos, á sus habitantes, sabed:

Que en virtud de la autorización concedida al Ejecutivo de la Unión por Decreto de 4 de Junio de 1887, he tenido á bien expedir la siguiente Ley de Marcas de Fabrica.

Art. 1°. — Se considera como marca de fábrica cualquier signo determinante de la especialidad para el commercio de un producto industrial.

Art. 2°. — La protección que la presente ley otorga á las marcas industriales ó mercantiles no ampara, de los efectos cubiertos por ellas, más que á los fabricados ó vendidos en el país.

Art. 3°. — No se considerarán como marca: la forma, color, locuciones ó designaciones que no constituyan por sí solas el signo determinante de la especialidad del producto. En ningún caso este signo podrá ser contrario á la moral.

Art. 4°. — Cualquier propietario de una marca de fábrica, ya sea nacional ó extranjero residente en el país, puede adquirir el derecho exclusivo de ursarla en la República, sujetándose á las formalidades de la presente ley.

Los nacionales y extranjeros que residan fuera del país, pueden registrar propiedad de marca, teniendo en éste, establecimiento ó agencia industrial ó mercantil, para la venta de sus productos, salvo lo que, para los extranjeros, dispongan los tratados.

Art. 5°. — Para adquirir la propiedad exclusiva de una marca de fábrica, el interesado ocurrirá por sí ó por medio de su representante á la Secretaría de Fomento, haciendo constar que se reserva sus derechos, acompañando los siguientes documentos:

I. El poder otorgado al mandatario, si el interesado no se presenta por sí mismo.

II. Dos ejemplares de la marca ó de su representación por medio del dibujo ó grabado.

III. En el caso de que la marca se ponga en hueco ó en relieve sobre los productos, ó de que presente alguna otra particularidad, se remitirán también dos hojas separadas, en las cuales se indicarán aquellos pormenores, sea por medio de una ó varias figuras de detalle, sea por medio de una leyenda explicativa.

IV. El contrato de comisión escrito, á cuya virtud se haya establecido la agencia debidamente legalizado, en el caso á que se refiere la segunda parte del artículo anterior.

Art. 6º. — En el ocurso deberá expresarse el nombre de la fábrica, el lugar de su ubicación, el domicilio del propietario y el género de comercio ó de industria para el cual el solicitante debe servirse de la marca.

Art. 7º. — La marca industrial ó mercantil que pertenezca á un extranjero no residente en la República, no podrá ser registrada en ésta, si no lo hubiere sido previa y regularmente en el país de su origen.

Art. 8º. — El que primero hubiere hecho uso legalmente de una marca, es el único que puede pretender adquirir su propiedad. En caso de disputa entre dos propietarios de la misma marca, la propiedad pertenecerá al primer poseedor, ó bien, si la posesión no pudiere comprobarse, al primer solicitante.

Art. 9º. — La propiedad exclusiva de una marca no puede ejercitarse sino en virtud de la declaración hecha por la Secretaría de Fomento, de que el interesado se ha reservado sus derechos, después de haberse llenado todos los requisitos legales.

Art. 10. — La declaración de que habla el artículo anterior, se hará sin examen previo, bajo la exclusiva responsabilidad de los solicitantes y sin perjuicio de los derechos de tercero.

La Secretaría de Fomento hará publicar la solicitud del interesado y, en el caso de oposición, presentada dentro de los noventa días siguientes á la publicación, no se procederá al registro de la marca hasta que la autoridad judicial decida en favor de quién debe hacerse el registro.

Art. 11. — Las marcas de fábrica no se transmiten sino con el establecimiento para cuyos objetos de fabricación ó de comercio sirvan de distinción; pero su transmisión no está sujeta á ninguna formalidad especial y se verificará conforme á las reglas del derecho común.

Art. 12. — La duración de la propiedad de las marcas de fábrica es indefinida, pero se entenderá abandonada por la clausura ó falta de producción por más de un año, del establecimiento, fábrica ó negociación que la haya empleado.

Art. 13. — Las marcas de fábrica depositadas se conservarán en la Secretaría de Fomento, en donde podrá examinar su registro, durante las horas que para tal objeto deberá fijar la misma Secretaría, toda persona que lo pretenda, la cual podrá obtener, á su costa, copia certificada del registro.

Art. 14. — La propiedad de una marca obtenida en contravencion

de las prescripciones anteriores, será declarada judicialmente nula á petición de parte.

Art. 15. — De la sentencia ejecutoriada en que se declare ser nula la propiedad de una marca, se dará parte á la Secretaría de Fomento por el juez que hubiere conocido del asunto.

Art. 16. — Hay falsificación de marca de fábrica:

I. Cuando se usen marcas de fábrica que sean una reproducción exacta y completa de otra cuya propiedad esté ya reservada.

II. Cuando la imitación sea de tal naturaleza que, presentando una identidad casi absoluta en el conjunto, aunque no en ciertos detalles, sea susceptible la marca de confundirse con otra legalmente depositada.

Art. 17. — Serán considerados como culpables del delito de falsificación, cualquiera que sea el lugar en que éste se haya cometido, los que hubieren falsificado una marca ó hecho uso de una falsificada, siempre que se aplique á objetos de la misma naturaleza industrial ó mercantil.

Art. 18. — Los delitos de falsificación des marcas de fábrica quedan sujetos á las penas que señala el Código respectivo, produciendo además la acción de daños y perjuicios.

Art. 19. — Quedan comprendidos en las disposiciones de esta ley los dibujos y modelos industriales.

Transitorios.

1º. Esta ley comenzará á regir el 1º. de Enero de 1890.

2º. Las solicitudes que, en esa fecha, estuvieren pendientes de resolución, se decidirán conforme á la presente ley."

„Por tanto, mando se imprima, publique, circule y se le dé el debido cumplimiento."

„Dado en el Palacio del Poder Ejecutivo de la Unión, en México, á veintiocho de Noviembre de mil ochocientos ochenta y nueve. — Porfirio Dias. — Al C. General Carlos Pacheco, Secretario de Estado y del Despacho de Fomento, Colonización, Industria y Comercio."

Y lo comunico á vd. para su conocimiento y demás fines.

Libertad y Constitución. México, Noviembre 28 de 1889.

21.

ALLEMAGNE, AUTRICHE-HONGRIE, BELGIQUE, BRÉSIL, CHILI, CHINE, COSTA-RICA, DANEMARK, ESPAGNE, ÉTATS-UNIS D'AMÉRIQUE, FRANCE, GRAND-BRETAGNE, GUATÉMALA, HAWAII, HONDURAS, ITALIE, JAPON, MEXIQUE, NICARAGUA, NORVÈGE, PAYS-BAS, PORTUGAL, RUSSIE, SIAM, SUÈDE, VÉNÉZUÉLA.

Règlement recommandé par la Conférence maritime internationale réunie à Washington du 16 octobre au 31 décembre 1889,*) en vue de prévenir la collision en mer, comparé avec les modifications proposées par la commission instituée par le Président du Board of Trade; Correspondence et Procès-verbaux y relatifs du 29 juillet 1890 au 18 août 1892.

Parliamentary Papers, Presented to both Houses of Parliament by Command of Her Majesty. [C.-6293, London 1891, C.-6833 1892.]

At the Council Chamber, Whitehall.

This 29th day of July, 1890. Present: The Rt. Hon. Sir Michael Hicks-Beach, Bart., M.P.

The Board of Trade are pleased to appoint: —

Sir Henry G. Calcraft, K.C.B.
Sir Charles Hall, K.C.M.G., Q.C., M.P.
Rear-Admiral N. Bowden Smith.
Rear-Admiral Sir Robert H. M. Molyneux, K.C.B.
Sir Digby Murray, Bart.
Rear-Admiral Sir George S. Nares, K.C.B.
Thomas Sutherland, Esq., M.P.
W. Watson, Esq.
Captain C. G. Weller, and
Captain William J. L. Wharton, R.N.

To be a Committee to consider the alterations in the Regulations for the Prevention of Collisions at Sea, which were recommended by the International Maritime Conference at Washington.

The Board of Trade are also pleased to appoint Mr. Garnham Roper to be Secretary to the said Committee.

M. E. Hicks-Beach.

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*) V. **N. R. G.** 2e série XVI. 363.

Report of the Committee appointed to consider the Alterations in the Regulations for preventing Collisions at Sea recommended at the Washington International Maritime Conference.

To the Right Honourable Sir Michael E. Hicks Beach, Bart., M.P., President of the Board of Trade.

Sir,

In compliance with the request contained in your Minute of the 29th July last, we have carefully considered the regulations for preventing collisions at sea adopted at the Washington International Maritime Conference. We held meetings on the 1st August, the 17th and 25th November, the 19th December, and the 15th January, and the decisions at which we arrived are shown on the enclosure, which contains in parallel columns the regulations as passed at Washington, and as recommended by us for adoption by Great Britain. The differences are shown in italics in the right hand column, additions and alterations being underlined, and omissions being indicated in brackets.

We have not discussed Article 9, as the Board of Trade expressed their desire that this Committee should not deal with the question of the lights to be carried by fishing vessels and fishing boats, on account of the complication and variety of practice at present obtaining among the countries particularly interested, and other difficulties which appear to demand a special inquiry before regulations are framed.

In dealing with the subject referred to us, we have felt the necessity of giving due weight tho the consideration that the decisions of the Washington Conference were arrived at after much deliberation, and that any subsequent alterations suggested by one of the parties to that Conference might delay, or perhaps even imperil, the adoption of a universal system of regulations for preventing collisions at sea. We have, therefore, limited our suggestions to alterations which we regard as essential, and likely to be assented to by the Maritime Powers which took part in the Conference.

It will be seen that the only Articles in which we propose to make any changes are Nos. 2, 7, 15, 21, 31.

Art. 2. The alteration in (*e*) is merely verbal, and is intended to make the meaning of this rule perfectly clear.

Art. 7. The words introduced in 1 (*b*) are required to supply a casus omissus.

A paragraph has been added dealing with the case of rowing boats, and giving sanction to a practice which already obtains in the British Navy and elsewhere.

Art. 15. By the omission of (*i*) and the inclusion of vessels "not under command" in (*b*), all the sound signals that are practically necessary at sea are provided for; and the number of such signals, and consequent liability to confusion, are reduced. Moreover (*i*), as it stood, by providing a signal to indicate that a vessel is unable to manœuvre as required by the rules (for which the "not under command" signal is practically suffi-

cient) appeared to us to be too wide, as it might tempt vessels to sound such a signal when entitled to do so, and to disclaim further responsibility in case of collision.

Art. 21. The qualification introduced may be regarded as virtually provided for in Art. 27, but we think that great advantage is gained, from a seaman's point of view, by providing in this rule against a likely contingency. We also think that the addition to some extent meets objections which have been made to the addition to the old rule of the words "and speed", on the ground that they might induce the "holding on" ship to continue her speed under all circumstances.

Art. 31. The insertion of the words added to the day and night signals No. 1, renders the day signal No. 4, and the words deleted from night signal No. 3, unnecessary, and gives a wider application to the rockets or shells that may be used.

We have had under consideration a letter addressed to the Board of Trade by the Postmaster-General, expressing a hope that Art. 4 (*c*) might be amended, but we are of opinion that this suggestion was based on a misapprehension of the rule, and we cannot recommend any alteration therein.

A proposal made by the Elder Brethren of Trinity House for steam pilot vessels to have distinctive lights, has also been brought to our notice, but having regard to the fact that this was not discussed at the Washington Conference, and does not seem a pressing necessity, we do not advise it being taken into consideration, at any rate for the present.

We wish, in conclusion, to express our acknowledgment of the attention and services of our Secretary, Mr. Garnham Roper, during the progress of the Committee.

We have the honour to be,
Sir
Your obedient servants,
Charles Hall, Chairman.
N. Bowden Smith.
Henry G. Calcraft.
Robt. H. M. Molyneux.
D. Murray.
G. S. Nares.
Thos. Sunderland.
William Watson.*
Chas. G. Weller.
W. J. L. Wharton.

Garnham Roper,
Secretary.

Separate Report by Mr. Watson.

Sir,

In signing the foregoing Report, I am obliged to do so subject to my dissent being recorded from the reference in it to Article 21.

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*) Subject to separate report.

I consider that the addition of the words "and speed", made to this rule at the Washington Conference, is fraught with very great danger, and I do not think the amendment now proposed by the Committee adequately meets this danger; while the fact that the Committee thought that such an amendment was necessary, appears to me to confirm my opinion of the danger of the altered rule. Under it the holding on vessel would be almost certain, in many cases, to keep her speed not only till she has run into a position involving risk of collision, but into such extreme danger that disaster would almost certainly result, which might have been easily avoided had the master been free to exercise his own judgment as to the time when he should reduce the speed of his vessel. I am strongly supported in maintaining this opinion by Captain T. G. Kendall, who expressed his views on the subject to the effect I have now stated to the other British delegates, before going to Washington, and who informs me that he was only confirmed in his opinion by what took place there. The opinions of the masters of steam vessels engaged on the different coasting services between England and Ireland on this point have already been collected, and they are, I believe, unanimously opposed to addition of the words "and speed", and they strongly urge that the rule be left as it is now in force in the existing regulations.

I must also record my dissent from Article 28, which, as no change is proposed by the Committee in the form in which it left the Conference, is not referred to in the Report, but I feel that the alteration made in this rule by the Conference, by making it compulsory instead of permissive, as at present, can only lead to confusion and difficulty in determining which vessel is to blame in case of collision. Sound signals, which are unanimously admitted to be most unreliable, will be by this change given an equal importance with any of the Rules of the Road, and the non-observance of, or any mistake in, the use of those signals, will be made an equal breach of the rules with the failure to carry out their most important provisions, while the change may even, in many cases, actually lead to collisions by masters of vessels trusting too much to hearing the signals, and approaching more closely to each other's vessels than they would otherwise have done. Captain Kendall agrees fully with this opinion also.

I would in conclusion place my opinion on record, that neither of these rules should be altered from their form as now in force, and that under no circumstances should any such changes as are now proposed be made in them until a full opportunity has first been given to the Shipping Trade of this country to express an opinion on the subject.

I am, &c.

William Watson.

The Right Honourable
Sir Michael E. Hicks-Beach, Bart., M.P.,
Board of Trade, London.

Enclosure to the Report of the Committee appointed on 29th July 1890, to consider the alterations in the Regulations for preventing Collisions at Sea recommended at the Washington International Maritime Conference.

International Regulations for preventing Collisions at Sea as passed at the Washington International Maritime Conference.	International Regulations for preventing Collisions at Sea as proposed by the Committee.
Regulations for preventing Collisions at Sea.	Regulations for Preventing Collisions at Sea.
Preliminary.	Preliminary.
These Rules shall be followed by all vessels upon the high seas and in all waters connected therewith, navigable by sea-going vessels.	These Rules shall be followed by all vessels upon the high seas and in all waters connected therewith, navigable by sea-going vessels.
In the following Rules every steam vessel which is under sail and not under steam is to be considered a sailing vessel, and every vessel under steam, whether under sail or not, is to be considered a steam vessel.	In the following Rules every steam vessel which is under sail and not under steam is to be considered a sailing vessel, and every vessel under steam, whether under sail or not, is to be considered a steam vessel.
The word "steam vessel" shall include any vessel propelled by machinery.	The word "steam vessel" shall include any vessel propelled by machinery.
A vessel is "under way" within the meaning of these Rules, when she is not at anchor, or made fast to the shore, or aground.	A vessel is "under way" within the meaning of these Rules, when she is not at anchor, or made fast to the shore or aground.
Rules Concerning Lights, &c.	Rules Concerning Lights, &c.
The word "visible" in these Rules when applied to lights shall mean visible on a dark night with a clear atmosphere.	The word "visible" in these Rules when applied to lights shall mean visible on a dark night with a clear atmosphere.
Art. 1. The Rules concerning lights shall be complied with in all weathers from sunset to sunrise, and during such time no other lights which may be mistaken for the prescribed lights shall be exhibited.	Art. 1. The Rules concerning lights shall be complied with in all weathers from sunset to sunrise, and during such time no other lights which may be mistaken for the prescribed lights shall be exhibited.
Art. 2. A steam vessel when under way shall carry—	Art. 2. A steam vessel when under way shall carry—
(*a*) On or in front of the foremast, or if a vessel without a fore-	(*a*) On or in front of the foremast, or if a vessel without a fore-

International Regulations for preventing Collisions at Sea as passed at the Washington International Maritime Conference.	International Regulations for preventing Collisions at Sea as proposed by the Committee.
mast, then in the fore part of the vessel, at a height above the hull of not less than 20 feet, and if the breadth of the vessel exceeds 20 feet, then at a height above the hull not less than such breadth, so however, that the light need not be carried at a greater height above the hull than 40 feet, a bright white light, so constructed as to show an unbroken light over an arc of the horizon of 20 points of the compass, so fixed as to throw the light 10 points on each side of the vessel, viz., from right ahead to 2 points abaft the beam on either side, and of such a character as to be visible at a distance of at least 5 miles.	mast, then in the fore part of the vessel, at a height above the hull of not less than 20 feet, and if the breadth of the vessel exceeds 20 feet, then at a height above the hull not less than such breadth, so however, that the light need not be carried at a greater height above the hull than 40 feet, a bright white light, so constructed as to show an unbroken light over an arc of the horizon of 20 points of the compass, so fixed as to throw the light 10 points on each side of the vessel, viz., from right ahead to 2 points abaft the beam on either side, and of such a character as to be visible at a distance of at least 5 miles.
(*b*) On the starboard side a green light so constructed as to show an unbroken light over an arc of the horizon of 10 points of the compass, so fixed as to throw the light from right ahead to two points abaft the beam on the starboard side, and of such a character as to be visible at a distance of at least 2 miles.	(*b*) On the starboard side a green light so constructed as to show an unbroken light over an arc of the horizon of 10 points of the compass, so fixed as to throw the light from right ahead to two points abaft the beam on the starboard side, and of such a character as to be visible at a distance of at least 2 miles.
(*c*) On the port side a red light so constructed as to show an unbroken light over an arc of the horizon of 10 points of the compass, so fixed as to throw the light from right ahead to 2 points abaft the beam on the port side, and of such a character as to be visible at a distance of at least 2 miles.	(*c*) On the port side a red light so constructed as to show an unbroken light over an arc of the horizon of 10 points of the compass, so fixed as to throw the light from right ahead to 2 points abaft the beam on the port side, and of such a character as to be visible at a distance of at least 2 miles.
(*d*) The said green and red sidelights shall be fitted with inboard screens projecting at least 3 feet forward from the light, so as to	(*d*) The said green and red sidelights shall be fitted with inboard screens projecting at least 3 feet forward from the light,

International Regulations for preventing Collisions at Sea as passed at the Washington International Maritime Conference.	International Regulations for preventing Collisions at Sea as proposed by the Committee.
prevent these lights from being seen across the bow.	so as to prevent these lights from being seen across the bow.
(*e*) A steam-vessel when under way may carry an additional white light similar in construction to the light mentioned in subdivision (*a*). These two lights shall be so placed in line with the keel that one shall be at least 15 feet higher than the other, and in such a position with reference to each other that the lower light shall be forward of the upper one. The vertical distance between these lights shalll be less than the horizontal distance.	(*e*) A steam-vessel when under way may carry an additional white light. This light shall be similar in construction to the light mentioned in subdivision (*a*), and shall be placed in line with the keel either abaft or before that light. If abaft, it shall be at least 15 feet higher, and if before at least 15 feet lower, than that light, and the horizontal distance between these lights shall in every case be greater than the vertical distance.
Art. 3. — A steam-vessel when towing another vessel shall, in addition to her side-lights, carry two bright white lights in a vertical line one over the other, not less than 6 feet apart, and when towing more than one vessel shall carry an additional bright white light 6 feet above or below such lights, if the length of the tow measuring from the stern of the towing-vessel to the stern of the last vessel towed exceeds 600 feet. Each of these lights shall be of the same construction and character, and shall be carried in the same position as the white light mentioned in Art. 2 (*a*), excepting the additional light, which may be carried at a height of not less than 14 feet above the hull.	Art. 3. — A steam-vessel when towing another vessel shall, in addition to her side-lights, carry two bright white lights in a vertical line one over the other, not less than 6 feet apart, and when towing more than one vessel shall carry an additional bright white light 6 feet above or below such lights, if the length of the tow measuring from the stern of the towing-vessel to the stern of the last vessel towed exceeds 600 feet. Each of these lights shall be of the same construction and character, and shall be carried in the same position as the white light mentioned in Art. 2 (*a*), excepting the additional light, which may be carried at a height of not less than 14 feet above the hull.
Such steam-vessel may carry a small white light abaft the funnel or aftermast for the vessel towed to steer by, but such light shall not be visible forward of the beam.	Such steam-vessel may carry a small white light abaft the funnel or aftermast for the vessel towed to steer by, but such light shall not be visible forward of the beam.
Art. 4 (*a*) A vessel wich from any accident is not under command shall carry at the same height as the white light mentioned in Art. 2 (*a*), where	Art. 4. — (*a*) A vessel which from any accident is not under command shall carry at the same height as the white light mentioned in Art. 2 (*a*), where

International Regulations for preventing Collisions at Sea as passed at the Washington International Maritime Conference.	International Regulations for preventing Collisions at Sea as proposed by the Committee.
they can best be seen, and if a steam vessel in lieu of that light, two red lights, in a vertical line one over the other, not less than 6 feet apart, and of such a character as to be visible all round the horizon at a distance of at least 2 miles; and shall by day carry in a vertical line one over the other, not less than 6 feet apart, where they can best be seen, 2 black balls or shapes, each 2 feet in diameter.	they can best be seen, and, if a steam vessel in lieu of that light, two red lights, in a vertical line one over the other, not less than 6 feet apart, and of such a character as to be visible all round the horizon at a distance of at least 2 miles; and shall by day carry in a vertical line one over the other, not less than 6 feet apart, where they can best be seen, 2 black balls or shapes, each 2 feet in diameter.
(*b*) A vessel employed in laying or in picking up a telegraph cable shall carry in the same position as the white light mentioned in Article 2 (*a*), and if a steam vessel in lieu of that light, three lights in a vertical line one over the other, not less than 6 feet apart. The highest and lowest of these lights shall be red, and the middle light shall be white, and they shall be of such a character as to be visible all round the horizon, at a distance of at least 2 miles. By day she shall carry in a vertical line one over the other, not less than 6 feet apart, where they can best be seen, three shapes not less than 2 feet in diameter, of which the highest and lowest shall be globular in shape and red in colour, and the middle one diamond in shape and white.	(*b*) A vessel employed in laying or in picking up a telegraph cable shall carry in the same position as the white light mentioned in Article 2 (a), and if a steam vessel in lieu of that light, three lights in a vertical line one over the other, not less than 6 feet apart. The highest and lowest of these lights shall be red, and the middle light shall be white, and they shall be of such a character as to be visible all round the horizon, at a distance of at least 2 miles. By day she shall carry in a vertical line one over the other, not less than 6 feet apart, where they can best be seen, three shapes not less than 2 feet in diameter, of which the highest and lowest shall be globular in shape and red in colour, and the middle one diamond in shape and white.
(*c*) The vessels referred to in this Article, when not making way through the water, shall not carry the side-lights, but when making way shall carry them.	(*c*) The vessels referred to in this Article, when not making way through the water, shall not carry the side-lights, but when making way shall carry them.
(*d*) The lights and shapes required to be shown by this Article are to be taken by other vessels as signals that the vessel showing them is not	(*d*) The lights and shapes required to be shown by this Article are to be taken by other vessels as signals that the vessel showing them is not

International Regulations for preventing Collisions at Sea as passed at the Washington International Maritime Conference.	International Regulations for preventing Collisions at Sea as proposed by the Committee.
under command and cannot therefore get out of the way.	under command and cannot therefore get out of the way.
These signals are not signals of vessels in distress and requiring assistance. Such signals are contained in Article 31.	These signals are not signals of vessels in distress and requiring assistance. Such signals are contained in Article 31.
Art. 5. — A sailing vessel under way, and any vessel being towed shall carry the same lights as are prescribed by Article 2 for a steam vessel under way, with the exception of the white lights mentioned therein, which they shall never carry.	Art. 5. — A sailing vessel under way, and any vessel being towed shall carry the same lights as are prescribed by Article 2 for a steam vessel under way, with the exception of the white lights mentioned therein, which they shall never carry.
Art. 6. — Whenever, as in the case of small vessels under way during bad weather, the green and red side-lights cannot be fixed, these lights shall be kept at hand, lighted and ready for use; and shall, on the approach of or to other vessels, be exhibited on their respective sides in sufficient time to prevent collision, in such manner as to make them most visible, and so that the green light shall not be seen on the port side nor the red light on the starboard side, nor if practicable more than 2 points abaft the beam on their respective sides.	Art. 6. — Whenever, as in the case of small vessels under way during bad weather, the green and red side-lights cannot be fixed, these lights shall be kept at hand lighted and ready for use; and shall, on the approach of or to other vessels, be exhibited on their respective sides in sufficient time to prevent collision in such manner as to make them most visible, and so that the green light shall not be seen on the port side nor the red light on the starboard side, nor if practicable more than 2 points abaft the beam on their respective sides.
To make the use of these portable lights more certain and easy, the lanterns containing them shall each be painted outside with the colour of the light they respectively contain, and shall be provided with proper screens.	To make the use of these portable lights more certain and easy, the lanterns containing them shall each be painted outside with the colour of the light they respectively contain, and shall be provided with proper screens.
Art. 7. — Steam-vessels of less than 40, and vessels under oars or sails, of less than 20 tons, gross tonnage, respectively, when under way, shall not be obliged to carry the lights mentioned in Article 2 (*a*) (*b*) and (*c*), but if they do not carry them they shall be provided with the following lights:	Art. 7. — Steam-vessels of less than 40, and vessels under oars or sails, of less than 20 tons, gross tonnage, respectively, and rowing boats, when under way, shall not be obliged to carry the lights mentioned in Article 2 (*a*) (*b*) and (*c*), but if they do not carry them they shall be provided with the following lights:

International Regulations for preventing Collisions at Sea as passed at the Washington International Maritime Conference.	International Regulations for preventing Collisions at Sea as proposed by the Committee.
1. Steam-vessels of less than 40 tons shall carry: (*a*) In the fore part of the vessel, or on or in front of the funnel, where it can best be seen, and at a height above the gunwale of not less than 9 feet, a bright white light constructed and fixed as prescribed in Article 2 (*a*), and of such a character as to be visible at a distance of at least 2 miles. (*b*) Green and red side-lights constructed and fixed as prescribed in Article 2 (*b*) and (*c*), and of such a character as to be visible at a distance of at least 1 mile, or a combined lantern showing a green light and a red light from right ahead to 2 points abaft the beam on their respective sides. Such lantern shall be carried not less than 3 feet below the white light.	1. Steam-vessels of less than 40 tons shall carry: (*a*) In the fore part of the vessel, or on or in front of the funnel, where it can best be seen, and at a height above the gunwale of not less than 9 feet, a bright white light constructed and fixed as prescribed in Article 2 (*a*), and of such a character as to be visible at a distance of at least 2 miles. (*b*) Green and red side-lights constructed and fixed as prescribed in Article 2 (b) and (*c*), and of such a character as to be visible at a distance of at least 1 mile, or a combined lantern showing a green light and a red light from right ahead to 2 points abaft the beam on their respective sides visible at the same distance. Such lantern shall be carried not less than 3 feet below the white light.
2. Small steamboats, such as are carried by seagoing vessels, may carry the white light at a less height than 9 feet above the gunwale, but it shall be carried above the combined lantern, mentioned in sub-division 1 (*b*).	2. Small steamboats, such as are carried by seagoing vessels, may carry the white light at a less height than 9 feet above the gunwale, but it shall be carried above the combined lantern, mentioned in subdivision 1 (*b*).
3. Vessels under oars or sails, of less than 20 tons, shall have ready at hand a lantern with a green glass on one side and a red glass on the other, which, on the approach of or to other vessels, shall be exhibited in sufficient time to prevent collision, so that the green light shall not be seen on the port side nor the red light on the starboard side.	3. Vessels under oars or sails, of less than 20 tons, shall have ready at hand a lantern with a green glass on one side and a red glass on the other, which, on the approach of or to other vessels, shall be exhibited in sufficient time to prevent collision, so that the green light shall not be seen on the port side nor the red light on the starboard side.

International Regulations for preventing Collisions at Sea as passed at the Washington International Maritime Conference.	International Regulations for preventing Collisions at Sea as proposed by the Committee.
	4. Rowing boats, whether under oars or sail, shall have ready at hand a lantern showing a white light which shall be temporarily exhibited in sufficient time to prevent collision.
The vessels referred to in this Article shall not be obliged to carry the lights prescribed by Article 4 (*a*), and Article 11, last paragraph.	The vessels referred to in this Article shall not be obliged to carry the lights prescribed by Article 4 (*a*), and Article 11, last paragraph.
Art. 8. — Pilot vessels when engaged on their station on pilotage duty, shall not show the lights required for other vessels, but shall carry a white light at the masthead, visible all round the horizon, and shall also exhibit a flare-up light or flare-up lights at short intervals, which shall never exceed 15 minutes.	Art. 8. — Pilot vessels when engaged on their station on pilotage duty, shall not show the lights required for other vessels, but shall carry a white light at the masthead, visible all round the horizon, and shall also exhibit a flare-up light or flare-up lights at short intervals, which shall never exceed 15 minutes.
On the near approach of or to other vessels they shall have their side-lights lighted, ready for use, and shall flash or show them at short intervals, to indicate the direction in which they are heading, but the green light shall not be shown on the port side, nor the red light on the starboard side.	On the near approach of or to other vessels they shall have their side-lights lighted, ready for use, and shall flash or show them at short intervals, to indicate the direction in which they are heading, but the green light shall not be shown on the port side, nor the red light on the starboard side.
A pilot-vessel of such a class as to be obliged to go alongside of a vessel to put a pilot on board, may show the white light instead of carrying it at the masthead, and may, instead of the coloured lights above mentioned, have at hand ready for use a lantern with a green glass on the one side and a red glass on the other, to be used as prescribed above.	A pilot-vessel of such a class as to be obliged to go alongside of a vessel to put a pilot on board, may show the white light instead of carrying it at the masthead, and may, instead of the coloured lights above mentioned, have at hand ready for use a lantern with a green glass on the one side and a red glass on the other, to be used as prescribed above.
Pilot-vessels when not engaged on their station on pilotage duty, shall carry lights similar to those of other vessels of their tonnage.	Pilot-vessels when not engaged on their station on pilotage duty, shall carry lights similar to those of other vessels of their tonnage.
Art. 9. — Fishing-vessels and	(At the request of the Board

International Regulations for preventing Collisions at Sea as passed at the Washington International Maritime Conference.	International Regulations for preventing Collisions at Sea as proposed by the Commitee.
fishing-boats when under way and when not required by this Article to carry or show the lights therein named shall carry or show the lights prescribed for vessels of their tonnage under way. (*a*) Vessels and boats when fishing with drift-nets shall exhibit two white lights from any part of the vessel where they can best be seen. Such lights shall be placed so that the vertical distance between them shall be not less than 6 feet and not more than 10 feet, and so that the horizontal distance between them, measured in a line with the keel, shall be not less than 5 feet and not more than 10 feet. The lower of these two lights shall be the more forward, and both of them shall be of such a character as to show all round the horizon, and to be visible at a distance of not less than 3 miles. (*b*) Vessels when engaged in trawling, by which is meant the dragging of an apparatus along the bottom of the sea — 1. If steam-vessels, shall carry in the same position as the white light mentioned in Article 2 (*a*), a tricoloured lantern so constructed and fixed as to show a white light from right ahead to 2 points on each bow, and a green light and a red light over an arc of the horizon from 2 points on either bow to 2 points abaft the beam on the starboard and port side respectively; and not less than 6 nor more than 12 feet below the tricoloured lantern, a white light in a lan-	of Trade the Comittee omitted from their consideration the lights of fishing vessels and fishing boats.)

International Regulations for preventing Collisions at Sea as passed at the Washington International Maritime Conference.	International Regulations for preventing Collisions at Sea as proposed by the Committee.
tern, so constructed as to show a clear uniform and unbroken light all round the horizon. 2. If sailing-vessels of 7 tons gross tonnage and upwards, shall carry a white light in a lantern, so constructed as to show a clear uniform and unbroken light all round the horizon, and shall also be provided with a sufficient supply of red pryotechnic lights, which shall each burn for at least 30 seconds, and shall be shown on the approach of or to other vessels in sufficient time to prevent collision. In the Mediterranean Sea, the vessels referred to in subdivision (*b*) 2, may use a flare-up light in lieu of a pyrotechnic light. All lights mentioned in subdivision (*b*) 1 and 2 shall be visible at a distance of at least 2 miles. 3. If sailing-vessels of less than 7 tons gross tonnage, shall not be obliged to carry the white light mentioned in subdivision (*b*) 2 of this Article, but if they do not carry such light, they shall have at hand, ready for use, a lantern showing a bright white light, which shall, on the approach of or to other vessels be exhibited where it can best be seen, in sufficient time to prevent collision; and they shall also show a red pyrotechnic light, as prescribed in subdivision (*b*) 2, or in lieu thereof a flare-up light. (*c*) Vessels and boats when line-fishing with their lines out and attached to their lines, and when not at anchor or stationary, shall	

International Regulations for preventing Collisions at Sea as passed at the Washington International Maritime Conference.	International Regulations for preventing Collisions at Sea as proposed by the Committee.
carry the same lights as vessels fishing with drift-nets. (*d*) Fishing-vessels and fishing-boats may at any time use a flare-up light in addition to the lights which they are by this Article required to carry and show. All flare-up lights exhibited by a vessel when trawling or fishing with any kind of drag-net shall be shown at the after part of the vessel, excepting that, if the vessel is hanging by the stern to her fishing gear, they shall be exhibited from the bow. (*e*) Every fishing-vessel and every boat when at anchor shall exhibit a white light visible all round the horizon at a distance of at least 1 mile. (*f*) If a vessel or boat when fishing becomes stationary in consequence of her gear getting fast to a rock or other obstruction, she shall show the light and make the fog-signal prescribed for a vessel at anchor, respectively. (See Article 15 (*d*) (*e*) and last paragraph.) (*g*) In fog, mist, falling snow, or heavy rainstorms, drift-net vessels attached to their nets and vessels when trawling, dredging, or fishing with any kind of drag-net, and vessels line-fishing with their lines out, shall, if of 20 tons gross tonnage or upwards, respectively, at intervals of not more than 1 minute, make a blast; if steam-vessels with the whistle or siren, and if sailing-vessels with the fog-horn, each blast to be followed by ringing the bell.	

International Regulations for preventing Collisions at Sea as passed at the Washington International Maritime Conference.	International Regulations for preventing Collisions at Sea as proposed by the Committee.
(*h*) Sailing vessels or boats fishing with nets or lines or trawls, when under way, shall in day time indicate their occupation to an approaching vessel by displaying a basket or other efficient signal, where it can best be seen.	
The vessels referred to in this Article shall not be obliged to carry the lights prescribed by Article 4 (*a*), and Article 11, last paragraph.	
Art. 10. A vessel which is being overtaken by another shall show from her stern to such last-mentioned vessel a white light or a flare-up light.	Art. 10. A vessel which is being overtaken by another shall show from her stern to such last-mentioned vessel a white light or a flare-up light.
The white light required to be shown by this Article may be fixed and carried in a lantern, but in such case the lantern shall be so constructed, fitted, and screened that it shall throw an unbroken light over an arc of the horizon of 12 points of the compass, viz., for 6 points from right aft on each side of the vessel, so as to be visible at a distance of at least 1 mile. Such light shall be carried as nearly as practicable on the same level as the side-lights.	The white light required to be shown by this Article may be fixed and carried in a lantern, but in such case the lantern shall be so constructed, fitted and screened that is shall throw an unbroken light over an arc of the horizon of 12 points of the compass, viz., for 6 points from right aft on each side of the vessel, so as to be visible at a distance of at least 1 mile. Such light shall be carried as nearly as practicable on the same level as the side-lights.
Art. 11. A vessel under 150 feet in length, when at anchor, shall carry forward, where it can best be seen, but at a height not exceeding 20 feet above the hull, a white light in a lantern so constructed, as to show a clear uniform and unbroken light visible all round the horizon at a distance of at least 1 mile.	Art. 11. A vessel under 150 feet in length, when at anchor, shall carry forward, where it can best be seen, but at a height not exceeding 20 feet above the hull, a white light in a lantern so constructed, as to show a clear uniform and unbroken light visible all round the horizon at a distance of at least 1 mile.
A vessel of 150 feet or upwards in length, when at anchor, shall carry in the forward part of the vessel, at a height of not less than 20 and not exceeding 40 feet above the hull, one such light, and at or near the stern	A vessel of 150 feet or upwards in length, when at anchor, shall carry in the forward part of the vessel, at a height of not less than 20 and not exceeding 40 feet above the hull, one such light, and at or near the stern

International Regulations for preventing Collisions at Sea as passed at the Washington International Maritime Conference.	International Regulations for preventing Collisions at Sea as proposed by the Committee.
of the vessel, and at such a height that it shall be not less than 15 feet lower than the forward light, another such light.	of the vessel, and at such a height that it shall be not less than 15 feet lower than the forward light, another such light.
The length of a vessel shall be deemed to be the length appearing in her certificate of registry.	The length of a vessel shall be deemed to be the length appearing in her certificate of registry.
A vessel aground in or near a fairway shall carry the above light or lights and the two red lights prescribed by Article 4 (*a*).	A vessel aground in or near a fairway shall carry the above light or lights and the two red lights prescribed by Article 4 (*a*).
Art. 12. Every vessel may, if necessary in order to attract attention, in addition to the lights which she is by these Rules required to carry, show a flare-up light or use any detonating signal that cannot be mistaken for a distress signal.	Art. 12. Every vessel may, if necessary in order to attract attention, in addition to the lights which she is by these Rules required to carry, show a flare-up light or use any detonating signal that cannot be mistaken for a distress signal.
Art. 13. Nothing in these Rules shall interfere with the operation of any special rules made by the Government of any nation, with respect to additional station and signal-lights for two or more ships of war or for vessels sailing under convoy, or with the exhibition of recognition signals adopted by ship-owners, which have been authorised by their respective Governments and duly registered and published.	Art. 13. Nothing in these Rules shall interfere with the operation of any special rules made by the Government of any nation, with respect to additional station and signal-lights for two or more ships of war or for vessels sailing under convoy, or with the exhibition of recognition signals adopted by ship-owners, which have been authorised by their respective Governments and duly registered and published.
Art. 14. A steam-vessel proceeding under sail only, but having her funnel up, shall carry in daytime, forward, where it can best be seen, one black ball or shape 2 feet in diameter.	Art. 14. A steam-vessel proceeding under sail only, but having her funnel up, shall carry in daytime, forward, where it can best be seen, one black ball or shape 2 feet in diameter.
Sound-Signals for Fog, etc.	Sound-Signals for Fog, etc.
Art. 15. All signals prescribed by this Article for vessels under way shall be given:	Art. 15. All signals prescribed by this Article for vessels under way shall be given:
1. By "steam-vessels" on the whistle or siren.	1. By "steam-vessels" on the whistle or siren.

International Regulations for preventing Collisions at Sea as passed at the Washington International Maritime Conference.	International Regulations for preventing Collisions at Sea as proposed by the Committee.
2. By "sailing-vessels and vessels towed" on the fog horn.	2. By "sailing-vessels and vessels towed" on the fog horn.
The words "prolonged blast" used in this Article, shall mean a blast of from 4 to 6 seconds' duration.	The words "prolonged blast" used in this Article, shall mean a blast of from 4 to 6 seconds' duration.
A steam-vessel shall be provided with an efficient whistle or siren, sounded by steam or some substitute for steam, so placed that the sound may not be intercepted by any obstruction, and with an efficient fog-horn, to be sounded by mechanical means, and also with an efficient bell.* A sailing vessel of 20 tons gross tonnage or upwards shall be provided with a similar fog-horn and bell.	A steam vessel shall be provided with an efficient whistle or siren, sounded by steam or some substitute for steam, so placed that the sound may not be intercepted by any obstruction, and with an efficient fog-horn, to be sounded by mechanical means, and also with an efficient bell.* A sailing vessel of 20 tons gross tonnage or upwards shall be provided with a similar fog-horn and bell.
In fog, mist, falling snow, or heavy rain storms, whether by day or night, the signals described in this Article shall be used as follows, viz.:	In fog, mist, falling snow, or heavy rain storms, whether by day or night, the signals described in this Article shall be used as follows, viz.:
(*a*) A steam vessel having way upon her shall sound, at intervals of not more than 2 minutes, a prolonged blast.	(*a*) A steam vessel having way upon her, shall sound, at intervals of not more than 2 minutes, a prolonged blast.
(*b*) A steam vessel under way, but stopped and having no way upon her, shall sound, at intervals of not more than 2 minutes, 2 prolonged blasts, with an interval of about 1 second between them.	(*b*) A steam vessel under way, but stopped and having no way upon her, or a vessel not under command, shall sound, at intervals of not more than 2 minutes, 2 prolonged blasts, with an interval of about 1 second between them.
(*c*) A sailing-vessel under way shall sound, at intervals of not more than 1 minute, when on the starboard tack one blast, when on the port tack two blasts in succession, and when with the	(*c*) A sailing-vessel under way shall sound, at intervals of not more than 1 minute, when on the starboard tack one blast, when on the port tack two blasts in succession, and when with the wind

*) In all cases where the Rules require a bell to be used a drum may be substituted on board Turkish vessels, or a gong where such articles are used on board small sea-going vessels.

*) In all cases where the Rules require a bell to be used a drum may be substituted on board Turkish vessels, or a gong where such articles are used on board small sea-going vessels.

International Regulations for preventing Collisions at Sea as passed at the Washington International Maritime Conference.	International Regulations for preventing Collisions at Sea as proposed by the Committee.
wind abaft the beam three blasts in succession.	abaft the beam three blasts in succession.
(*d*) A vessel, when at anchor, shall, at intervals of not more than 1 minute, ring the bell rapidly for about 5 seconds.	(*d*) A vessel, when at anchor, shall, at intervals of not more than 1 minute, ring the bell rapidly for about 5 seconds.
(*e*) A vessel, at anchor at sea, when not in ordinary anchorage ground and when in such a position as to be an obstruction to vessels under way, shall sound, if a steam-vessel, at intervals of not more than 2 minutes, two prolonged blasts with her whistle or siren, followed by ringing her bell; or, if a sailing-vessel, at intervals of not more than 1 minute two blasts with her fog-horn, followed by ringing her bell.	(*e*) A vessel, at anchor at sea, when not in ordinary anchorage ground and when in such a position as to be an obstruction to vessels under way, shall sound, if a steam-vessel, at intervals of not more than 2 minutes, two prolonged blasts with her whistle or siren, followed by ringing her bell; or, if a sailing-vessel, at intervals of not more than 1 minute two blasts with her fog-horn, followed by ringing her bell.
(*f*) A vessel, when towing, shall, instead of the signals prescribed in subdivisions (*a*) and (*c*) of this Article, at intervals of not more than 2 minutes, sound three blasts in succession, viz.: one prolonged blast followed by two short blasts. A vessel towed may give this signal and she shall not give any other.	(*f*) A vessel, when towing, shall, instead of the signals prescribed in subdivisions (*a*) and (*c*) of this Article, at intervals of not more than 2 minutes, sound three blasts in succession, viz.: one prolonged blast followed by two short blasts. A vessel towed may give this signal and she shall not give any other.
(*g*) A steam-vessel wishing to indicate to another "The way is off my vessel, you may feel your way past me", may sound three blasts in succession, viz.: short, long, short, with intervals of about 1 second between them.	(*g*) A steam-vessel wishing to indicate to another "The way is off my vessel, you may feel your way past me", may sound three blasts in succession, viz.: short, long, short, with intervals of about 1 second between them.
(*h*) A vessel employed in laying or in picking up a telegraph cable shall, on hearing the fog-signal of an approaching vessel, sound in answer three prolonged blasts in succession.	(*h*) A vessel employed in laying or in picking up a telegraph cable shall, on hearing the fog-signal of an approaching vessel, sound in answer three prolonged blasts in succession.
(*i*) A vessel under way, which is	[(*i*) omitted.]

International Regulations for preventing Collisions at Sea as passed at the Washington International Maritime Conference.	International Regulations for preventing Collisions at Sea as proposed by the Committee.
unable to get out of the way of an approaching vessel through being not under command, or unable to manœuvre as required by these Rules, shall, on hearing the fog-signal of an approaching vessel, sound in answer four short blasts in succession.	
Sailing-vessels and boats of less than 20 tons gross tonnage shall not be obliged to give the above-mentioned signals, but if they do not, they shall make some other efficient sound-signal at intervals of not more than 1 minute.	Sailing-vessels and boats of less than 20 tons gross tonnage shall not be obliged to give the above-mentioned signals, but if they do not, they shall make some other efficient sound-signal at intervals of not more than 1 minute.
Speed of Ships to be Moderate in Fog, &c.	Speed of Ships to be Moderate in Fog, &c.
Art. 16. Every vessel shall, in a fog, mist, falling snow, or heavy rainstorms, go at a moderate speed, having careful regard to the existing circumstances and conditions.	Art. 16. Every vessel shall, in a fog, mist, falling snow, or heavy rainstorms, go at a moderate speed, having careful regard to the existing circumstances and conditions.
A steam vessel hearing, apparently forward of her beam, the fog signal of a vessel the position of which is not ascertained, shall, so far as the circumstances of the case admit, stop her engines, and then navigate with caution until danger of collision is over.	A steam vessel hearing, apparently forward of her beam, the fog signal of a vessel the position of which is not ascertained, shall, so far as the circumstances of the case admit, stop her engines, and then navigate with caution until danger of collision is over.
Steering and Sailing Rules.	Steering and Sailing Rules.
Preliminary—Risk of Collision.	Preliminary—Risk of Collision.
Risk of collision can, when circumstances permit, be ascertained by carefully watching the compass bearing of an approaching vessel. If the bearing does not appreciably change, such risk should be deemed to exist.	Risk of collision can, when circumstances permit, be ascertained by carefully watching the compass bearing of an approaching vessel. If the bearing does not appreciably change, such risk should be deemed to exist.
Art. 17. When two sailing-vessels	Art. 17. When two sailing-vessels

International Regulations for preventing Collisions at Sea as passed at the Washington International Maritime Conference.	International Regulations for preventing Collisions at Sea as proposed the Committee.
are approaching one another, so as to involve risk of collision, one of them shall keep out of the way of the other, as follows, viz.: (*a*) A vessel which is running free shall keep out of the way of a vessel which is close-hauled. (*b*) A vessel which is close-hauled on the port tack shall keep out of the way of a vessel which is close-hauled on the starboard tack. (*c*) When both are running free, with the wind on different sides, the vessel which has the wind on the port side shall keep out of the way of the other. (*d*) When both are running free, with the wind on the same side, the vessel which is to windward shall keep out of the way of the vessel which is to leeward. (*e*) A vessel which has the wind aft shall keep out of the way of the other vessel.	are approaching one another, so as to involve risk of collision, one of them shall keep out of the way of the other, as follows, viz.: (*a*) A vessel which is running free shall keep out of the way of a vessel which is close-hauled. (*b*) A vessel which is close-hauled on the port tack shall keep out of the way of a vessel which is close-hauled on the starboard tack. (*c*) When both are running free with the wind on different sides, the vessel which has the wind on the port side shall keep out of the way of the other. (*d*) When both are running free, with the wind on the same side, the vessel which is to windward shall keep out of the way of the vessel which is to leeward. (*e*) A vessel which has the wind aft shall keep out of the way of the other vessel.
Art. 18. When two steam vessels are meeting end on, or nearly end on, so as to involve risk of collision, each shall alter her course to starboard, so that each may pass on the port side of the other. This Article only applies to cases where vessels are meeting end on, or nearly end on, in such a manner as to involve risk of collision, and does not apply to two vessels which must, if both keep on their respective courses, pass clear of each other. The only cases to which it does apply are, when each of the two vessels is end on, or nearly end on, to the other; in other words, to cases in which, by day, each vessel sees the masts	Art. 18. When two steam vessels are meeting end on, or nearly end on, so as to involve risk of collision, each shall alter her course to starboard, so that each may pass on the port side of the other. This Article only applies to cases where vessels are meeting end on, or nearly end on, in such a manner as to involve risk of collision, and does not apply to two vessels which must, if both keep on their respective courses, pass clear of each other. The only cases to which it does apply are, when each of the two vessels is end on, or nearly end on, to the other; in other words, to cases in which, by day, each vessel sees the masts

International Regulations for preventing Collisions at Sea as passed at the Washington International Maritime Conference.	International Regulations for preventing Collisions at Sea as proposed by the Committee.
of the other in a line, or nearly in a line, with her own; and by night, to cases in which each vessel is in such a position as to see both the side-lights of the other.	of the other in a line, or nearly in a line, with her own; and by night, to cases in which each vessel is in such a position as to see both the side-lights of the other.
It does not apply, by day, to cases in which a vessel sees another ahead crossing her own course; or by night, to cases where the red light of one vessel is opposed to the red light of the other, or where the green light of one vessel is opposed to the green light of the other, or where a red light without a green light, or a green light without a red light, is seen ahead, or where both green and red lights are seen anywhere but ahead.	It does not apply, by day, to cases in which a vessel sees another ahead crossing her own course; or by night, to cases where the red light of one vessel is opposed to the red light of the other, or where the green light of one vessel is opposed to the green light of the other, or where a red light without a green light, or a green light without a red light, is seen ahead, or where both green and red lights are seen anywhere but ahead.
Art. 19. When two steam-vessels are crossing, so as to involve risk of collision, the vessel which has the other on her own starboard side shall keep out of the way of the other.	Art. 19. When two steam-vessels are crossing, so as to involve risk of collision, the vessel which has the other on her own starboard side shall keep out of the way of the other.
Art. 20. When a steam-vessel and a sailing-vessel are proceeding in such directions as to involve risk of collision, the steam-vessel shall keep out of the way of the sailing-vessel.	Art. 20. When a steam-vessel and a sailing-vessel are proceeding in such directions as to involve risk of collision, the steam-vessel shall keep out of the way of the sailing-vessel.
Art. 21. — Where by any of these Rules one of two vessels is to keep out of the way, the other shall keep her course and speed.	Art. 21. — Where by any of these Rules one of two vessels is to keep out of the way, the other shall keep her course and speed, unless in consequence of thick weather or other causes she finds herself so close that collision cannot be avoided by the action of the giving-way vessel alone, when she also shall take such action as will best aid to avert collision.
Art. 22. — Every vessel which is directed by these Rules to keep out of the way of another vessel, shall,	Art. 22. — Every vessel which is directed by these Rules to keep out of the way of another vessel, shall,

International Regulations for preventing Collisions at Sea as passed at the Washington International Maritime Conference.	International Regulations for preventing Collisions at Sea as proposed by the Committee.
if the circumstances of the case admit, avoid crossing ahead of the other.	if the circumstances of the case admit, avoid crossing ahead of the other.
Art. 23. — Every steam-vessel which is directed by these Rules to keep out of the way of another vessel shall, on approaching her, if necessary, slacken her speed or stop or reverse.	Art. 23. — Every steam-vessel which is directed by these Rules to keep out of the way of another vessel shall, on approaching her, if necessary, slacken her speed or stop or reverse.
Art. 24. — Notwithstanding anything contained in these Rules every vessel, overtaking any other, shall keep out of the way of the overtaken vessel.	Art. 24. — Notwithstanding anything contained in these Rules every vessel, overtaking any other, shall keep out of the way of the overtaken vessel.
Every vessel coming up with another vessel from any direction more than two points abaft her beam, *i.e.*, in such a position, with reference to the vessel which she is overtaking that at night she would be unable to see either of that vessel's sidelights, shall be deemed to be an overtaking vessel; and no subsequent alteration of the bearing between the two vessels shall make the overtaking vessel a crossing vessel within the meaning of these Rules, or relieve her of the duty of keeping clear of the overtaken vessel until she is finally past and clear.	Every vessel coming up with another vessel from any direction more than two points abaft her beam, *i.e.*, in such a position, with reference to the vessel which she is overtaking that at night she would be unable to see either of that vessel's sidelights, shall be deemed to be an overtaking vessel; and no subsequent alteration of the bearing between the two vessels shall make the overtaking vessel a crossing vessel within the meaning of these Rules, or relieve her of the duty of keeping clear of the overtaken vessel until she is finally past and clear.
As by day the overtaking vessel cannot always know with certainty whether she is forward of or abaft this direction from the other vessel she should, if in doubt, assume that she is an overtaking vessel and keep out of the way.	As by day the overtaking vessel cannot always know with certainty whether she is forward of or abaft this direction from the other vessel she should, if in doubt, assume that she is an overtaking vessel and keep out of the way.
Art. 25. — In narrow channels every steam-vessel shall, when it is safe and practicable, keep to that side of the fair-way or mid-channel	Art. 25. — In narrow channels every steam-vessel shall, when it is safe and practicable, keep to that side of the fair-way or mid-channel

International Regulations for preventing Collisions at Sea as passed at the Washington International Maritime Conference.	International Regulations for preventing Collisions at Sea as proposed by the Committee.
which lies on the starboard side of such vessel.	which lies on the starboard side of such vessel.
Art. 26. — Sailing-vessels under way shall keep out of the way of sailing-vessels or boats fishing with nets, or lines or trawls. This Rule shall not give to any vessel or boat engaged in fishing the right of obstructing a fair-way used by vessels other than fishing-vessels or boats.	Art. 26. — Sailing-vessels under way shall keep out of the way of sailing-vessels or boats fishing with nets, or lines, or trawls. This Rule shall not give to any vessel or boat engaged in fishing the right of obstructing a fair-way used by vessels other than fishing-vessels or boats.
Art. 27. — In obeying and construing these Rules due regard shall be had to all dangers of navigation and collision, and to any special circumstances which may render a departure from the above Rules necessary in order to avoid immediate danger.	Art. 27. — In obeying and construing these Rules due regard shall be had to all dangers of navigation and collision, and to any special circumstances which may render a departure from the above Rules necessary in order to avoid immediate danger.
Sound-Signals for Vessels in Sight of one Another.	Sound-Signals for Vessels in Sight of one Another.
Art. 28. — The words „short blast“ used in this Article shall mean a blast of about one second's duration.	Art. 28. — The words „short blast“ used in this Article shall mean a blast of about one second's duration.
When vessels are in sight of one another, a steam-vessel under way, in taking any course authorized or required by these Rules, shall indicate that course by the following signals on her whistle or siren, viz.:	When vessels are in sight of one another, a steam-vessel under way, in taking any course authorized or required by these Rules, shall indicate that course by the following signals on her wistle or siren, viz.:
One short blast to mean, „I am „ directing my course to starboard.“	One short blast to mean, „I am „ directing my course to starboard.“
Two short blasts to mean, „I am „ directing my course to port.“.	Two short blasts to mean, „I am „ directing my course to port.“
Three short blasts to mean, „My „ engines are going full speed astern.“	Three short blasts to mean, „My „ engines are going full speed astern“.
No Vessel, under any circumstances, to neglect Proper Precautions.	No Vessel, under any circumstances, to neglect Proper Precautions.
Art. 29. — Nothing in these Rules shall exonerate any vessel, or the	Art. 29. — Nothing in these Rules shall exonerate any vessel, or the

International Regulations for preventing Collisions at Sea as passed at the Washington International Maritime Conference.	International Regulations for preventing Collisions at Sea as proposed by the Committee.
owner, or master, or crew thereof, from the consequences of any neglect to carry lights or signals, or of any neglect to keep a proper look-out, or of the neglect of any precaution which may be required by the ordinary practice of seamen, or by the special circumstances of the case.	owner, or master, or crew thereof, from the consequences of any neglect to carry lights or signals, or of any neglect to keep a proper look-out, or of the neglect of any precaution which may be required by the ordinary practice of seamen, or by the special circumstances of the case.
Reservation of Rules for Harbours and Inland Navigation.	Reservation of Rules for Harbours and Inland Navigation.
Art. 30. — Nothing in these Rules shall interfere with the operation of a special rule, duly made by local authority, relative to the navigation of any harbour, river, or inland waters.	Art. 30. — Nothing in these Rules shall interfere with the operation of a special rule, duly made by local authority, relative to the navigation of any harbour, river, or inland waters.
Distress Signals.	Distress Signals.
Art. 31. — When a vessel is in distress and requires assistance from other vessels or from the shore, the following shall be the signals to be used or displayed by her, either together or separately, viz.: In the daytime — 1. A gun fired at intervals of about a minute; 2. The International Code signal of distress indicated by N C; 3. The distant signal, consisting of a square flag, having either above or below it a ball or anything resembling a ball; 4. Rockets or shells as prescribed below for use at night; 5. A continuous sounding with any fog-signal apparatus. At night —	Art. 31. — When a vessel is in distress and requires assistance from other vessels or from the shore, the following shall be the signals to be used or displayed by her, either together or separately; viz.: In the daytime — 1. A gun or other explosive signal fired at intervals of about a minute; 2. The International Code signal of distress indicated by N C; 3. The distant signal, consisting of a square flag, having either above or below it a ball or anything resembling a ball; (4. Omitted.) 4. A continuous sounding with any fog-signal apparatus. At night —

International Regulations for preventing Collisions at Sea as passed at the Washington International Maritime Conference.	International Regulations for preventing Collisions at Sea as proposed by the Committee.
1. A gun fired at intervals of about a minute;	1. A gun or other explosive signal fired at intervals of about a minute;
2. Flames on the vessel (as from a burning tar-barrel, oil-barrel, etc.);	2. Flames on the vessel (as from a burning tar-barrel, oil-barrel, etc.);
3. Rockets or shells, bursting in the air with a loud report and throwing stars of any colour or description, fired one at a time, at short intervals;	3. Rockets or shells, throwing stars of any colour or description, fired one at a time, at short intervals; (The words „bursting in the air with a loud report and" are emitted.)
4. A continuous sounding with any fog-signal apparatus.	4. A continuous sounding with any fog-signal apparatus.

The Board of Trade to the Admiralty.

M. 1,734.

Sir, Board of Trade, February 5, 1891.

I am directed by the Board of Trade to transmit to you, to be laid before the Lord Commissioners of the Admiralty, the accompanying copy of the Report of the Committee appointed to consider the alterations in the Regulations for Preventing Collisions at Sea, recommended at the Washington International Maritime Conference.

In transmitting this document, the Board desire me to state that they will be glad to be informed whether their Lordships concur with this Department in thinking that the Report should be adopted, and that it should be submitted to the various Foreign Governments with a view to the general adoption of the alterations in the Regulations proposed therein.

I have, &c.

The Secretary, Admiralty. (Signed) *Henry G. Calcraft.*

The Admiralty to the Board of Trade.

M. 4,428.

Sir, Admiralty, February 20, 1891.

With reference to your letter of 5th instant, M. 1,734, I am commanded by my Lords Commissioners of the Admiralty to acquaint you, for the information of the Board of Trade, that they concur in the adoption of the Report of the Committee appointed to considered the alterations in the Regulations for Preventing Collisions at Sea recommended at the

Washington International Maritime Conference; and also in the proposal to submit them to the various Foreign Governments, together with the Report of the Committee, with a view to their adoption.

I have, &c.

The Secretary, Board of Trade. (Signed) *Evan Macgregor.*

At the Council Chamber, Whitehall.

This 29th day of July, 1890. Present: The Rt. Hon. Sir Michael Hicks-Beach, Bart., M.P.

The Board of Trade are pleased to appoint:—

Sir Henry G. Calcraft, K.C.B.
Sir Charles Hall, K.C.M.G., Q.C., M.P.
Rear-Admiral N. Bowden Smith.
Rear-Admiral Sir Robert H. M. Molyneux, K.C.B.
Sir Digby Murray, Bart.
Rear-Admiral Sir George S. Nares, K.C.B.
Thomas Sutherland, Esq. M.P.
W. Watson, Esq.
Captain C. G. Weller, and
Captain William J. L. Wharton, R.N.

To be a Committee to consider the alterations in the Regulations for the Prevention of Collisions at Sea, which were recommended by the International Maritime Conference at Washington.

The Board of Trade are also pleased to appoint Mr. Garnham Roper to be Secretary to the said Committee.

(Signed) *M. E. Hicks-Beach.*

Report of the Committee appointed to consider the Alterations in the Regulations for Preventing Collisions at Sea recommended by the Washington Conference, on the proposal that Steam Pilot Vessels should have distinctive lights.

To the Right Honourable Sir Michael E. Hicks-Beach, Bart., M. P., President of the Board of Trade.

Sir, Board of Trade, December 12, 1891.

In compliance with your request we have considered the question whether distinctive lights should be carried by British steam pilot vessels.

We recommend that the lights now being used by the steam pilot vessels at Dungeness, viz., a white all-round masthead light, and eight feet below it a red all-round light, together with the ordinary sidelights for vessels under way, should be prescribed by Order in Council, applying to British waters only.

We would wish to point out that the necessity for considering this

matter has arisen since the Conference met at Washington in 1889, and our reason for proposing this limited area is, that although we think it desirable that the rule should be international we fear that the proposing of a new rule at this late hour would cause great delay in bringing the Washington proposals to a definite conclusion. We would suggest that in advising the Foreign Powers of the adoption by Great Britain of this rule, an intimation should be conveyed to them that, should they see fit to adopt it generally, the British Government would be prepared to agree to its being made international.

We have, &c.

(Signed) *Charles Hall*, Chairman.
N. Bowden Smith.
Henry G. Calcraft.
R. H. M. Molyneux.
Digby Murray.
G. S. Nares.
Thos. Sutherland.
William Watson.
Chas. G. Weller.
W. J. L. Wharton.

Garnham Roper,
Secretary.

No. 1.

The Board of Trade to the Admiralty.

M. 23,610.

Sir, Board of Trade December 28, 1891.

I am directed by the Board of Trade to request that you will lay before the Lords Commissioners of the Admiralty, the accompanying copy of a report by the committee appointed to consider the alterations in the regulations for preventing collisions at sea, recommended by the Washington Conference. The subject of the report is a proposal by the Trinity House that British steam pilot vessels should carry distinctive lights.

I am at the same time to state that this Board will be glad to be informed whether the Lords Commissioners of the Admiralty are prepared to join this Department in recommending an application for an Order in Council under the provissions of section 25 of the Merchant Shipping Act, 1862, for the purpose of carrying the suggestions of the Committee into effect.

I have, &c.

The Secretary, Admiralty. (Signed) *Allen Stoneham.*

No. 2.

The Admiralty to the Board of Trade.

M. 3,267.

Sir, Admiralty, January, 1, 1892.

With reference to your letter of the 28th ultimo, M. 23,610, forwarding copy of a report by the committee appointed to consider the

alterations in the regulations for preventing collisions at sea recommended by the Washington Conference, I am commanded by my Lords Commissioners of the Admiralty to request that you will inform the Board of Trade that they are prepared to join in an application for an Order in Council to carry into effect the suggestions of the committee.

I am, &c.
(Signed) *Evan Macgregor.*

The Assistant Secretary, Marine Department.
Board of Trade, S.W.

No. 3.

The Board of Trade to the Trinity House.

M. 174.

Sir, Board of Trade, June 4, 1892.

With reference to previous correspondence respecting the proposed adoption of a distinctive signal for the use of steam pilot vessels, I am directed by the Bord of Trade to transmit to you the accompanying draft Order in Council which has been prepared upon the subject, and to state that they will be glad to be informed as to the date from which, in the opinion of the Elder Brethren of the Trinity House, the Order should take effect.

I am, &c.
(Signed) *George J. Swanston.*

The Secretary, Trinity House,
Tower Hill, E.C.

Enclosure in No. 3.

At the Court at ,
The day of , 1892.
Present, the Queen's Most Excellent Majesty in Council.

Whereas by an Order in Council made in pursuance of the Merchant Shipping Act Amendment Act, 1862, and dated the eleventh day of August, one thousand eight hundred and eighty-four, Her Majesty on the joint recommendation of the Admiralty and the Board of Trade, was pleased to direct that on and after the first day of September, one thousand eight hundred and eighty-four, the regulations contained in the Schedule thereto should, so far as regards British ships and boats, be substituted for the regulations contained in the First Schedule to an Order in Council made as aforesaid, and dated the fourteenth day of August, one thousand eight hundred and seventy-nine:

And whereas by two Orders in Council made in pursuance of the said Act, and on such joint recommendation as aforesaid, and dated respectively the thirtieth day of December, one thousand eight hundred and eighty-four and the twenty-fourth day of June, one thousand eight hundred and eighty-five, certain modifications and additions were made to the said regulations contained in the Schedule to the said recited Order in Council of the eleventh day of August, one thousand eight hundred and eighty-four, as regards British fishing vessels and boats:

And whereas by the said regulations contained in the Schedule to the said Order in Council of the eleventh day of August, one thousand eight hundred and eighty-four, it is, amongst other things, provided as follows, namely: —

Art. 9. — A pilot vessel, when engaged on her station on pilotage duty, shall not carry the lights required for other vessels, but shall carry a white light at the masthead, visible all round the horizon, and shall also exhibit a flare-up light or flare-up lights at short intervals, which shall never exceed 15 minutes.

A pilot vessel, when not engaged on her station on pilotage duty, shall carry lights similar to those of other ships.

And whereas the Admiralty and the Board of Trade have, in pursuance of the said recited Act, jointly recommended to Her Majesty that the said regulations contained in the Schedule to the said Order in Council of the eleventh day of August, one thousand eight hundred and eighty-four, should be further modified by adding to the said recited Article 9 thereof the provision contained in the Schedule hereto.

Now, therefore, Her Majesty by virtue of the powers vested in Her by the said Act, and by and with the advice of Her Privy Council is pleased to direct that on and after the day of the regulations contained in the Schedule to the said Order in Council of the eleventh day of August, one thousand eight hundred and eighty-four, shall be further modified by the addition to the said recited Article 9 thereof of the provision contained in the Schedule hereto.

Schedule.

A steam pilot vessel exclusively employed for the service of pilots licensed or certified by any pilotage authority or the committee of any pilotage district in the United Kingdom when engaged on her station on pilotage duty, and in British waters, and not at anchor, shall in addition to the lights required for all pilot boats, carry at a distance of eight feet below her white masthead light, a red light visible all round the horizon, aud of such a character as to be visible on a dark night with a clear atmosphere at a distance of at least two miles, and also the coloured side lights required to be carried by vessels when under way.

When engaged on her station on pilotage duty, and in British waters, and at anchor, she shall carry in addition to the lights required for all pilot boats the red light abovementioned, but not the coloured side lights.

When not engaged on her station on pilotage duty, she shall carry the same lights as other steam vessels.

No. 4.

The Trinity House to the Board of Trade.

Sir, Trinity House, London, E.C., July 8, 1892.

The Elder Brethren have had under consideration your letter of the 4th ultimo, enclosing copy of an Order in Council in draft to provide

for the exhibition of distinctive lights for steam pilot vessels in the service of British pilotage authorities, and I am now directed to submit the following observations thereon:—

The draft order contains limitations which do not appear in Article 9 of the existing Rules, intended probably to show that the new Regulations are to apply to British steam pilot vessels only, and, except in one particular, these limitations will not occasion inconvenience in practice. The restriction imposed in the schedule by the words "and in British waters" is the exception above referred to, and upon this the Elder Brethren would observe that although that expression might be held to mean, as recited in the Territorial Waters Jurisdiction Act, 1878, the open seas adjacent to the coasts of Her Majesty's dominions, it might possibly be held to have the narrower meaning given in the seventh section of that Act, one marine league from the coast.

As steam pilot vessels in the performance of their duty may sometimes be at a considerable distance from the shore, and might, as the draft now stands, be obliged to discontinue the use of their distinctive lights at a time when they were most wanted, it would appear desirable, unless the Board of Trade see strong reason to the contrary, to omit the words "and in British waters" from the Order.

As the lights to be thus formally sanctioned have been practically in use since the 3rd September 1891, the Elder Brethren would suggest that date to be inserted in the Order if possible.

I am, &c.

The Assistant Secretary, Marine Department, (Signed) *J. Inglis.*
Board of Trade, S.W.

No. 5.

The Board of Trade to the Trinity House.

M. 11,541.

Sir, Board of Trade, July 26, 1892.

In reply to your letter of the 8th instant, respecting the terms of the draft Order in Council which has been prepared with reference to the lights to be exhibited by steam pilot vessels, I am directed by the Board of Trade to state, for the informating of the Elder Brethren of the Trinity House, that the suggestion to omit the words "and in British waters" from the schedule to the Order was considered by the Rule of the Road Committee, who were of opinion that it was impossible to comply with the suggestion without making the Order in question international, which they had previously decided was not practicable at the present moment.

The Board do not, however, object to the proposal that the Order shall date from the 3rd September 1891.

I am, &c.

The Secretary, Trinity House, (Signed) *A. D. Berrington.*
Tower Hill; E.C.

No. 6.

The Board of Trade to the Admiralty.

M. 11,541.

Sir, Board of Trade, August 4, 1892.

With reference to your letter of the 1st January last, M. 3,267, stating that the Lords Commissioners of the Admiralty were prepared to join the Board of Trade in an application for an Order in Council to carry into effect the recommendations of the Rule of the Road Committee in regard to distinctive lights for British steam pilot vessels, I am directed by the Board of Trade to enclose a draft Order in Council for the information of the Lords Commissioners, and to state that the Board of Trade would be glad to know at the earliest possible moment whether their Lordships concur in the terms of the proposed Order.

I am to point out that the Order has been antedated at the request of the Trinity House, the lights in question having been actually carried since the 3rd September last.*)

I have, &c.

The Secretary, Admiralty, S.W. (Signed) *A. D. Berrington.*

No. 7.

The Admiralty to the Board of Trade.

M. 6,579.

Sir, Admiralty, August 8, 1892.

I am commanded by my Lords Commissioners of the Admiralty to request that you will inform the Board of Trade that they concur in the draft Order in Council forwarded with your letter of 4th instant respecting distinctive lights to be used by steam pilot vessels.

I am, &c.

The Secretary of the Board of Trade. (Signed) *R. D. Awdry.*

Further Report of the Committee appointed to consider the Alterations in the Regulations for Preventing Collisions at Sea, recommended at the Washington International Maritime Conference.

To the Right Honourable Sir Michael E. Hicks-Beach, Bart., M. P., President of the Board of Trade.

Sir, Board of Trade, S. W., June 22, 1892.

We have had under consideration the observations of the Foreign and Colonial Governments who have sent replies up to this date, and also of certain Shipowners' Societies in this country, upon the recommendations

*) On reconsideration this date was altered to the actual date of the Order in Council.

made by us in January, 1891, in regard to the proposed International Regulations for Preventing Collisions at Sea.

We have also had before us the valuable Report of Captain E. Chichester, R. N., and Mr. H. Noel Malan, together with the views expressed by Germany, Italy, and the Netherlands upon Article 9, which deals with the lights and signals of fishing vessels, and we recommend that this subject should be considered independently of the other Rules of the Road, and dealt with by separate Order in Council.

We much regret that only two of the five amendments which we suggested in our first Report, viz., those in Articles 7 and 31 have met with general acceptance, and we are still of opinion that they are all improvements upon the rules adopted at the Washington Conference, but having regard to the fact that numerous amendments have been proposed by other Powers, parties to the Conference, and the indefinite delay which would be caused by an attempt either to press our amendments or to come to a final conclusion upon those proposed by the other Powers, we think it best to recommend a course which, so far as this country is concerned, will put an end to the interminable discussion which would otherwise arise and which would still further increase the difficulties in the way of international agreement on the subject. For the same reason we do not recommend the adoption of the suggestion made by the Italian Government for another International Conference to consider all such amendments.

We are of opinion that the most satisfactory course will be for Her Majesty's Government to adopt the Regulations as passed at Washington, Article 9 excepted, with the addition to Article 7 and the alteration in Article 31 which we recommended in our first Report, these two amendments having been assented to by all the Powers from whom replies have been received, and with the addition of the note to Article 21 recommended hereafter.

In the hope that the Regulations in this form may be accepted by all the Powers, we are willing to withdraw the suggested alterations in Articles 2, 15, and 21, but we retain the opinion that the multiplication of sound-signals in Article 15 may possibly result in confusion, and we recommend, in lieu of the proposed amendments to Article 21 the addition of the following Note to that Article.

„Note. — When, in consequence of thick weather or other causes, such vessel finds herself so close that collision cannot be avoided by the action of the giving-way vessel alone, she also shall take such action as will best aid to avert collision (see Articles 27 and 29).“*)

This Note should be part of the Regulations as approved by Order in Council.

In the event of these proposals being approved we recommend that an Order in Council be prepared as soon as possible, applying, after reasonable notice, these Regulations to British vessels everywhere, and to

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*) *i.e.*, of the Regulations passed at Washington, they become Articles 26 and 28 by the separate treatment proposed for Article 9.

foreign vessels in British waters; and that a letter be addressed to all the Powers which were parties to the Washington Conference, stating the action taken by this country and expressing a strong hope that they will adopt the same Regulations, having regard to the extreme importance of such Regulations being international.

In the letter addressed to the United States Government it should be stated that we have added the Note to Article 21, as we consider it very important that mariners should have their attention called to the controlling rules, and the United States Government has not expressed any dissent from the principle.

The only other Power wich has hitherto objected to this amendment to Article 21 is Portugal. We recommend that in the letter adressed to that country it should be pointed out that we have added the Note for the guidance of mariners, as stated above.

We wish to add that we feel much indebted to our Secretary, Mr. Garnham Roper, for the great ability and constant attention he has displayed during the protracted deliberations of the Committee.

We have the honour to be, Sir,
Your obedient Servants,
Charles Hall, Chairman.
N. Bowden Smith.
Henry G. Calcraft.
R. H. M. Molyneux.
D. Murray.
G. S. Nares.
Thos. Sutherland.
Chas. G. Weller.
W. J. L. Wharton.

Garnham Roper,
Secretary.

Separate Report by Mr. Watson.

Sir, June 30, 1892.

I very much regret that I am unable to sign the Report now submitted by the Rule of the Road Committee, but I consider the changes proposed in the Regulations for Preventing Collisions at Sea, Articles 21 and 28, too serious and dangerous to be dealt with without first being submitted in the fullest possible way to the shipping trade of this country, and I feel bound therefore to adhere to my separate Report of January 1891, and again to urge strongly upon the Board of Trade, and Her Majesty's Government, that the proposed changes may not be made until such an opportunity has been given to the shipping trade of this country of expressing an opinion on the subject.

I am, &c.
(Signed) *William Watson.*

The Right Honourable
Sir Michael E. Hicks-Beach, Bart., M. P.,
Board of Trade.

1.

The Board of Trade to the Admiralty.

M. 11,129.

Sir, Board of Trade, July 15, 1892.

I am directed by the Board of Trade to state for the information of the Lords Commissioners of the Admiralty, that the Committee appointed in July, 1890 to consider the alterations in the regulations for preventing collisions at sea, recommended at the Washington International Maritime Conference, have presented a further report on the subject wherein they withdraw, for reasons stated, the amendments which they previously suggested in Articles 2, 15 and 21, and propose the addition of a note in the sense of their original amendment of Article 21.

The Board of Trade have adopted the report of the committee, and I am to enclose a draft showing the regulations as now proposed, and to request you to be good enough to lay this draft before the Lords Commissioners, and to ascertain whether they concur in it. In this event the Board of Trade will lay the proposed regulations before Parliament, and should no objections be raised which alter the views of Her Majesty's Government on the subject, the Board will proceed to prepare an Order in Council giving effect to the recommendations of the committee.

I am to add that on receipt of your reply the Board will inform the Foreigu Office and the Colonial Office of what is being done, with a view to the Foreign and Colonial Governments being made acquainted with the action of this country.

I am also to enclose a copy of the report of the committee and of the separate report of Mr. William Watson, who thinks that the shipping trade of the country should be consulted before any new regulations come into force.

In conclusion, I am to state that Sir Michael Hicks-Beach would be glad if the Lords Commissioners would convey to their representatives on the committee, Rear-Admiral Sir Robert H. M. Molyneux, K.C.B., Rear-Admiral N. Bowden-Smith, and Captain W. J. L. Wharton, his great appreciation of the valuable help which, with the other members of the committee, they have rendered in the consideration of this most important and intricate question.*)

I have, &c.

The Secretary, Admiralty. (Signed) *Henry G. Calcraft.*

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*) Letters were also addressed to Sir Charles Hall, and the other members of the committee, thanking them in similar terms for their services.

Enclosure 1 in the above Letter.

International Regulations for Preventing Collisions at Sea as passed at the Washington International Maritime Conference.	Regulations for Preventing Collisions at Sea proposed for adoption by Great Britain.
	N.B. — The variations from the Regulations as passed at Washington are shown in italics, additions and alterations being underlined and omissions being indicated in brackets.
Regulations for Preventing Collisions at Sea.	Regulations for Preventing Collisions at Sea.
Preliminary.	Preliminary.
These Rules shall be followed by all vessels upon the high seas and in all waters connected therewith, navigable by sea-going vessels.	These Rules shall be followed by all vessels upon the high seas and in all waters connected therewith, navigable by sea-going vessels.
In the following Rules every steam vessel which is under sail and not under steam is to be considered a sailing vessel, and every vessel under steam, whether under sail or not, is to be considered a steam vessel.	In the following Rules every steam vessel which is under sail and not under steam is to be considered a sailing vessel, and every vessel under steam, whether under sail or not, is to be considered a steam vessel.
The word „steam vessel“ shall include any vessel propelled by machinery.	The word „steam vessel“ shall include any vessel propelled by machinery.
A vessel is „under way“ within the meaning of these Rules, when she is not at anchor, or made fast to the shore, or aground.	A vessel is „under way“ within the meaning of these Rules, when she is not anchor, or made fast to the shore or aground.
Rules Concerning Lights, &c.	Rules Concerning Lights, &c.
The word „visible“ in these Rules when applied to lights shall mean visible on a dark night with a clear atmosphere.	The word „visible“ in these Rules when applied to lights shall mean visible on a dark night with a clear atmosphere.
Art. 1. — The Rules concerning lights shall be complied with in all weathers from sunset to sunrise, and during such time no other lights which may be mistaken for the prescribed lights shall be exhibited.	Art. 1. — The Rules concerning lights shall be complied with in all weathers from sunset to sunrise, and during such time no other lights which may be mistaken for the prescribed lights shall be exhibited.
Art. 2. — A steam vessel when under way shall carry —	Art. 2. — A steam vessel when under way shall carry —
(*a*) On or in front of the foremast, or if a vessel without a foremast, then in the fore part of the vessel, at a height above	(*a*) On or in front of the foremast, or if a vessel without a foremast, then in the fore part of the vessel, at a height above

International Regulations for Preventing Collisions at Sea as passed at the Washington International Maritime Conference.	Regulations for Preventing Collisions at Sea proposed for adoption by Great Britain.
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the hull of not less than 20 feet, and if the breadth of the vessel exceeds 20 feet, then at a height above the hull not less than such breadth so however, that the light need not be carried at a greater height above the hull than 40 feet, a bright white light, so constructed as to show an unbroken light over an arc of the horizon of 20 points of the compass, so fixed as to throw the light 10 points on each side of the vessel, viz., from right ahead to 2 points abaft the beam on either side, and of such a character as to be visible at a distance of at least 5 miles.	the hull of not less than 20 feet, and if the breadth of the vessel exceeds 20 feet, then at a height above the hull not less than such breadth, so however, that the light need not be carried at a greater height above the hull than 40 feet, a bright white light, so constructed as to show an unbroken light over an arc of the horizon of 20 points of the compass, so fixed as to throw the light 10 points on each side of the vessel, viz., from right ahead to 2 points abaft the beam on either side, and of such a character as to be visible at a distance of at least 5 miles.
(*b*) On the starboard side a green light so constructed as to show an unbroken light over an arc of the horizon of 10 points of the compass, so fixed as to throw the light from right ahead to two points abaft the beam on the starboard side, and of such a character as to be visible at a distance of at least 2 miles.	(*b*) On the starboard side a green light so constructed as to show an unbroken light over an arc of the horizon of 10 points of the compass, so fixed as to throw the light from right ahead to two points abaft the beam on the starboard side, and of such a character as to be visible at a distance of at least 2 miles.
(*c*) On the port side a red light so constructed as to show an unbroken light over an arc of the horizon of 10 points of the compass, so fixed as to throw the light from right ahead to 2 points abaft the beam on the port side, and of such a character as to be visible at a distance of at least 2 miles.	(*c*) On the port side a red light so constructed as to show an unbroken light over an arc of the horizon of 10 points of the compass, so fixed as to throw the light from right ahead to 2 points abaft the beam on the port side, and of such a character as to be visible at a distance of at least 2 miles.
(*d*) The said green and red side-lights shall be fitted with in-	(*d*) The said green and red side-lights shall be fitted with in-

International Regulations for Preventing Collisions at Sea as passed at the Washington International Maritime Conference.	Regulations for Preventing Collisions at Sea proposed for adoption by Great Britain.
	N.B. — The variations from the Regulations as passed at Washington are shown in italics, additions and alterations being underlined and omissions being indicated in brackets.
board screens projecting at least 3 feet forward from the light, so as to prevent these lights from being seen across the bow.	board screens projecting at least 3 feet forward from the light, so as to prevent these lights from being seen across the bow.
(*c*) A steam-vessel when under way may carry an additional white light similar in construction to the light mentioned in subdivision (*a*). These two lights shall be so placed in line with the keel that one shall be at least 15 feet higher than the other, and in such a position with reference to each other that the lower light shall be forward of the upper one. The vertical distance between these lights shall be less than the horizontal distance.	(*c*) A steam-vessel when under way may carry an additional white light similar in construction to the light mentioned in subdivision (*a*). These two lights shall be so placed in line with the keel that one shall be at least 15 feet higher than the other, and in such a position with reference to each other that the lower light shall be forward of the upper one. The vertical distance between these lights shall be less than the horizontal distance.
Art. 3. — A steam-vessel when towing another vessel shall, in addition to her side-lights, carry two bright white lights in a vertical line one over the other, not less than 6 feet apart, and when towing more than one vessel shall carry an additional bright white light 6 feet above or below such lights, if the length of the tow measuring from the stern of the towing-vessel to the stern of the last vessel towed exceeds 600 feet. Each of these lights shall be of the same construction and character, and shall be carried in the same position as the white light mentioned in Art. 2 (*a*), excepting the additional light, which may be carried at a height of not less than 14 feet above the hull.	Art. 3. — A steam-vessel when towing another vessel shall, in addition to her side-lights, carry two bright white lights in a vertical line one over the other, not less than 6 feet apart, and when towing more than one vessel shall carry an additioual bright white light 6 feet above or below such lights, if the length of the tow measuring from the stern of the towing vessel to the stern of the last vessel towed exceeds 600 feet. Each of these lights shall be of the same construction and character, and shall be carried in the same position as the white light mentioned in Art. 2 (*a*), excepting the additional light, which may be carried at a height of not less than 14 feet above the hull.
Such steam-vessel may carry a small white light abaft the funnel or	Such steam-vessel may carry a small white light abaft the funnel

International Regulations for Preventing Collisions at Sea as passed at the Washington International Maritime Conference.	Regulations for Preventing Collisions at Sea proposed for adoption by Great Britain.
	N.B. — The variations from the Regulations as passed at Washington are shown in italics, additions and alterations being underlined and omissions being indicated in brackets.
aftermast for the vessel towed to steer by, but such light shall not be visible forward of the beam.	or aftermast for the vessel towed to steer by, but such light shall not be visible forward of the beam.
Art. 4. — (*a*) A vessel which from any accident is not under command shall carry at the same height as the white light mentioned in Art. 2 (*a*), where they can best be seen, and, if a steam-vessel in lieu of that light, two red lights, in a vertical line one over the other, not less than 6 feet apart, and of such a character as to be visible all round the horizon at a distance of at least 2 miles; and shall by day carry in a vertical line one over the other, not less than 6 feet apart, where they can best be seen, 2 black balls or shapes, each 2 feet in diameter.	Art. 4. — (*a*) A vessel which from any accident is not under command shall carry at the same height as the white light mentioned in Art. 2 (*a*), where they can best be seen, and, if a steam vessel in lieu of that light, two red lights, in a vertical line one over the other, not less than 6 feet apart, and of such a character as to be visible all round the horizon at a distance of at least 2 miles; and shall by day carry in a vertical line one over the other, not less than 6 feet apart, where they can best be seen, 2 black balls or shapes, each 2 feet in diameter.
(*b*) A vessel employed in laying or in picking up a telegraph cable shall carry in the same position as the white light mentioned in Article 2 (*a*), and if a steam vessel in lieu of that light, three lights in a vertical line one over the other, not less than 6 feet apart. The highest and lowest of these lights shall be red, and the middle light shall be white, and they shall be of such a character as to be visible all round the horizon, at a distance of at least 2 miles. By day she shall carry in a vertical line one over the other, not less than 6 feet apart, where they can best be seen, three shapes not less than 2 feet in diameter, of which the highest and lowest shall be globular in shape and red in colour, and the middle one diamond in shape and white.	(*b*) A vessel employed in laying or in picking up a telegraph cable shall carry in the same position as the white light mentioned in Article 2 (*a*), and if a steam vesel in lieu of that light, three lights in a vertical line one over the other, not less than 6 feet apart. The highest and lowest of these lights shall be red, and the middle light shall be white, and they shall be of such a character as to be visible all round the horizon, at a distance of at least 2 miles. By day she shall carry in a vertical line one over the other, not less than 6 feet apart, where they can best be seen, three shapes not less than 2 feet in diameter, of which the highest and lowest shall be globular in shape and red in colour, aud the middle one diamond in shape and white.

International Regulations for Preventing Collisions at Sea as passed at the Washington International Maritime Conference.	Regulations for Preventing Collisions at Sea proposed for adoption by Great Britain.
	N.B. — The variations from the Regulation as passed at Washington are shown in italics, additions and alterations being underlined and omissions being indicated in brackets.
(*c*) The vessels referred to in this Article, when not making way through the water, shall not carry the side-lights, but when making way shall carry them.	(*c*) The vessels referred to in this Article, when not making way through the water, shall not carry the side-lights, but when making way shall carry them.
(*d*) The lights and shapes required to be shown by this Article are to be taken by other vessels as signals that the vessel showing them is not under command and cannot therefore get out of the way.	(*d*) The lights and shapes required to be shown by this Article are to be taken by other vessels as signals that the vessel showing them is not under command and cannot therefore get out of the way.
These signals are not signals of vessels in distress and requiring assistance. Such signals are contained in Article 31.	These signals are not signals of vessels in distress and requiring assistance. Such signals are contained in Article 31.
Art. 5. — A sailing-vessel under way, and any vessel being towed shall carry the same lights as are prescribed by Article 2 for a steam-vessel under way, with the exception of the white lights mentioned therein, which they shall never carry.	Art. 5. — A sailing vessel under way, and any vessel being towed shall carry the same lights as are prescribed by Article 2 for a steam vessel under way, with the exception of the white lights mentioned therein, which they shall never carry.
Art. 6. — Whenever, as in the case of small vessels under way during bad weather, the green and red side-lights cannot be fixed, these lights shall be kept at hand, lighted and ready for use; and shall, on the approach of or to other vessels, be exhibited on their respective sides in sufficient time to prevent collision, in such manner as to make them most visible, and so that the green light shall not be seen on the port side nor the red light on the starboard side, nor if practicable more than 2 points abaft the beam on their respective sides.	Art. 6. — Whenever, as in the case of small vessels under way during bad weather, the green and red side-lights cannot be fixed, these lights shall be kept at hand lighted and ready for use; and shall on the approach of or to other vessels, be exhibited on their respective sides in sufficient time to prevent collision, in such manner as to make them most visible, and so that the green light shall not be seen on the port side nor the red light or the starboard side, nor if practicable more than 2 points abaft the beam on their respective sides.
To make the use of these portable lights more certain and easy, the lanterns containing them shall each	To make the use of these portable lights more certain and easy, the lanterns containing them shall each

International Regulations for Preventing Collisions at Sea as passed at the Washington International Maritime Conference.	Regulations for Preventing Collisions at Sea proposed for adoption by Great Britain.
	N.B. — The variations from the Regulations as passed at Washington are showns in italics, additions and alterations being underlined and omissions being indicated in brackets.
be painted outside with the colour of the light they respectively contain, and shall be provided with proper screens.	be painted outside with the colour of the light they respectively contain, and shall be provided with proper screens.
Art. 7. — Steam-vessels of less than 40, and vessels under oars or sails, of less than 20 tons, gross tonnage, respectively, when under way, shall not be obliged to carry the lights mentioned in Article 2 (*a*) (*b*) and (*c*), but if they do not carry them they shall be provided with the following lights:	Art. 7. — Steam-vessels of less than 40, and vessels under oars or sails, of less than 20 tons, gross tonnage, respectively, *and rowing boats* when under way shall not be obliged to carry the lights mentioned in Article 2 (*a*) (*b*) and (*c*), but if they do not carry them they shall be provided with the following lights:
1. Steam-vessels of less than 40 tons shall carry;	1. Steam-vessels of less than 40 tons shall carry:
(*a*) In the fore part of the vessel, or on or in front of the funnel, where it can best be seen, and at a height above the gunwale of not less than 9 feet, a bright white light constructed and fixed as prescribed in Article 2 (*a*), and of such a character as to be visible at a distance of at least 2 miles.	(*a*) In the fore part of the vessel or on or in front of the funnel, where it can best be seen, and at a height above the gunwale of not less than 9 feet, a bright white light constructed and fixed as prescribed in Article 2 (*a*), and of such a character as to be visible at a distance of at least 2 miles.
(*b*) Green and red side-lights constructed and fixed as prescribed in Article 2 (*b*) and (*c*), and of such a character as to be visible at a distance of at least 1 mile, or a combined lantern showing a green light and a red light from right ahead to 2 points abaft the beam on their respective sides. Such lantern shall be carried not less than 3 feet below the white light.	(*b*) Green and red side-lights constructed and fixed as prescribed in Article 2 (*b*) and (*c*), and of such a character as to be visible at a distance of at least 1 mile, or a combined lantern showing a green light and a red light from right ahead to 2 points abaft the beam on their respective sides. Such lantern shall be carried not less than 3 feet below the white light.
2. Small steamboats, such as are carried by seagoing vessels, may carry the white light at a less	2. Small steamboats, such as are carried by seagoing vessels, may carry the white light at a less

International Regulations for Preventing Collisions at Sea as passed at the Washington International Maritime Conference.	Regulations for Preventing Collisions at Sea proposed for adoption by Great Britain.
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height than 9 feet above the gunwale, but it shall be carried above the combined lantern, mentioned in sub-division 1 (*b*).	height than 9 feet above the gunwale, but it shall be carried above the combined lantern, mentioned in sub-division 1 (b).
3. Vessels under oars or sails, of less than 20 tons, shall have ready at hand a lantern with a green glass on one side and a red glass on the other, which, on the approach of or to other vessels, shall be exhibited in sufficient time to prevent collision, so that the green light shall not be seen on the port side nor the red light on the starboard side.	3. Vessels under oars or sails, of less than 20 tons, shall have ready at hand a lantern with a green glass on one side and a red glass on the other, which, on the approach of or to other vessels, shall be exhibited in sufficient time to prevent collision, so that the green light shall not be seen on the port side nor the red light on the starboard side.
	4. Rowing boats, whether under oars or sail, shall have ready at hand a lantern showing a white light which shall be temporarily exhibited in sufficient time to prevent collision.
The vessels referred to in this Article shall not be obliged to carry the lights prescribed by Article 4 (*a*), and Article 11, last paragraph.	The vessels referred to in this Article shall not be obliged to carry the lights prescribed by Article 4 (*a*), and Article 11, last paragraph.
Art. 8. — Pilot vessels when engaged on their station on pilotage duty, shall not show the lights required for other vessels, but shall carry a white light at the masthead, visible all round the horizon, and shall also exhibit a flare-up light or flare-up lights at short intervals, which shall never exceed 15 minutes.	Art. 8. — Pilot vessels when engaged on their station on pilotage duty, shall not show the lights required for other vessels, but shall carry a white light at the masthead, visible all round the horizon, and shall also exhibit a flare-up light or flare-up lights at short intervals, which shall never exceed 15 minutes.*)
On the near approach of or to other vessels they shall have their side-lights lighted, ready for use,	On the near approach of or to other vessels they shall have their side-lights lighted, ready for use, and

*) Distinctive Lights are prescribed for British steam pilot-vessels.

International Regulations for Preventing Collisions at Sea as passed at the Washington International Maritime Conference.	Regulations for Preventing Collisions at Sea proposed for adoption by Great Britain.
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and shall flash or show them at short intervals, to indicate the direction in which they are heading, but the green light shall not be shown on the port side, nor the red light on the starboard side.	shall flash or show them at short intervals, to indicate the direction in which they are heading, but the green light shall not be shown on the port side, nor the red light on the starboard side.
A pilot-vessel of such a class as to be obliged to go alongside of a vessel to put a pilot on board, may show the white light instead of carrying it at the masthead, and may, instead of the coloured lights above mentioned, have at hand ready for use a lantern with a green glass on the one side and a red glass on the other, to be used as prescribed above.	A pilot-vessel of such a class as to be obliged to go alongside of a vessel to put a pilot on board, may show the white light instead of carrying it at the masthead, and may, instead of the coloured lights above mentioned, have at hand ready for use a lantern with a green glass on the one side and a red glass on the other, to be used as prescribed above.
Pilot-vessels when not engaged on their station on pilotage duty, shall carry lights similar to those of other vessels of their tonnage.	Pilot-vessels when not engaged on their station on pilotage duty, shall carry lights similar to those of other vessels of their tonnage.
Art. 9.*)	
Art. 10. — A vessel which is being overtaken by another shall show from her stern to such last-mentioned vessel a white light or a flare-up light.	Art. 9. — A vessel which is being overtaken by another shall show from her stern to such last-mentioned vessel a white light or a flare-up light.
The white light required to be shown by this Article may be fixed and carried in a lantern, but in such case the lantern shall be so constructed, fitted, and screened that it shall throw an unbroken light over an arc of the horizon of 12 points of the compass, viz., for 6 points from right aft on each side of the vessel, so as to be visible at a distance of	The white light required to be shown by this Article may be fixed and carried in a lantern, but in such case the lantern shall be so constructed, fitted, and screened that it shall throw an unbroken light over an arc of the horizon of 12 points of the compass, viz., for 6 points from right aft on each side of the vessel, so as to be visible at a distance

*) Art. 9 relating to the lights of fishing-vessels and fishing-boats will be considered independently of the other Rules of the Road, and dealt with by separate Order in Council.

International Regulations for Preventing Collisions at Sea as passed at the Washington International Maritime Conference.	Regulations for Preventing Collisions at Sea proposed for adoption by Great Britain.
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at least 1 mile. Such light shall be carried as nearly as practicable on the same level as the side lights.	of at least 1 mile. Such light shall be carried as nearly as practicable on the same level as tbe side-lights.
Art. 11. — A vessel under 150 feet in length, when at anchor, shall carry forward, where it can best be seen, but at a height not exceeding 20 feet above the hull, a white light in a lantern so constructed, as to show a clear uniform and unbroken light visible all round the horizon at a distance of at least 1 mile.	Art. 10. — A vessel under 150 feet in length, when at anchor, shall carry forward, where it can best be seen, but at a height not exceeding 20 feet above the hull, a white light in a lantern so constructed, as to show a clear uniform and unbroken light visible all round the horizon at a distance of at least 1 mile.
A vessel of 150 feet or upwards in length, when at anchor, shall carry in the forward part of the vessel, at a height of not less than 20 and not exceeding 40 feet above the hull, one such light, and at or near the stern of the vessel, and at such a height that it shall be not less than 15 feet lower than the forward light another such light.	A vessel of 150 feet or upwards in length, when at anchor, shall carry in the forward part of the vessel, at a height of not less than 20 and not exceeding 40 feet above the hull, one such light, and at or near the stern of the vessel and at such a height that it shall be not less than 15 feet lower than the forward light, another such light.
The length of a vessel shall be deemed to be the length appearing in her certificate of registry.	The length of a vessel shall be deemed to be the length appearing in her certificate of registry.
A vessel aground in or near a fair-way shall carry the above light or lights and the two red lights prescribed by Article 4 (*a*).	A vessel aground in or near a fair-way shall carry the above light or lights and the two red lights prescribed by Article 4 (*a*).
Art. 12. — Every vessel may, if necessary in order to attract attention, in addition to the lights which she is by these Rules required to carry, show a flare-up light or use any detonating signal that cannot be mistaken for a distress signal.	Art. 11. — Every vessel may, if necessary in order to attract attention, in addition to the lights which she is by these Rules required to carry, show a flare-up light or use any detonating signal that cannot be mistaken for a distress signal.
Art. 13. — Nothing in these Rules shall interfere with the operation of any special rules made by the Government of any nation, with respect to additional station and signal-lights	Art. 12. — Nothing in these Rules shall interfere with the operation of any special rules made by the Government of any nation with respect to additional station and signal-lights

International Regulations for Preventing Collisions at Sea as passed at the Washington International Maritime Conference.	Regulations for Preventing Collisions at Sea proposed for adoption by Great Britain.
	N.B. — The variations from the Regulations as passed at Washington are shown in italics, additions and alterations being underlined and omissions being indicated in brackets.
for two or more ships of war or for vessels sailing under convoy, or with the exhibition of recognition signals adopted by shipowners, which have been authorised by their respective Governments and duly registered and published.	for two or more ships of war or for vessels sailing under convoy, or with the exhibition of recognition signals adopted by shipowners, which have been authorised by their respective Governments and duly registered and published.
Art. 14. — A steam-vessel proceeding under sail only, but having her funnel up, shall carry in daytime, forward, where it can best be seen, one black ball or shape 2 feet in diameter.	Art. 13. — A steam-vessel proceeding under sail only, but having her funnel up, shall carry in daytime, forward, where it can best be seen, one black ball or shape 2 feet in diameter.
Sound-Signals for Fog, etc.	Sound-Signals for Fog, etc.
Art. 15. — All signals prescribed by this Article for vessels under way shall be given:	Art. 14. — All signals prescribed by this Article for vessels under way shall be given:
1. By "steam-vessels" on the whistle or siren.	1. By "steam-vessels" on the whistle or siren.
2. By "sailing-vessels and vessels towed" on the fog horn.	2. By "sailing-vessels and vessels towed" on the fog horn.
The words "prolonged blast" used in this Article, shall mean a blast of from 4 to 6 seconds' duration.	The words "prolonged blast" used in this Article, shall mean a blast of from 4 to 6 seconds' duration.
A steam-vessel shall be provided with an efficient whistle or siren, sounded by steam or some substitute for steam, so placed that the sound may not be intercepted by any obstruction, and with an efficient fog-horn, to be sounded by mechanical means, and also with an efficient bell.*) A sailing vessel of 20 tons gross tonnage or upwards shall be	A steam-vessel shall be provided with an efficient whistle or siren, sounded by steam or some substitute for steam, so placed that the sound may not be intercepted by any obstruction, and with an efficient fog-horn, to be sounded by mechanical means, and also with an efficient bell.*) A sailing vessel of 20 tons gross tonnage or upwards shall be
*) Note. — In all cases where the Rules require a bell to be used a drum may be substituted on board Turkish vessels, or a gong where such articles are used on board small sea-going vessels.	*) Note. — In all cases where the Rules require a bell to be used a drum may be substituted on board Turkish vessels, or a gong where such articles are used on board small sea-going vessels.

International Regulations for Preventing Collisions at Sea as passed at the Washington International Maritime Conference.	Regulations for Preventing Collisions at Sea proposed for adoption by Great Britain.
	N.B. — The variations from the Regulations as passed at Washington are shown in italics, additions and alterations being underlined and omissions being indicated in brackets.
provided with a similar fog-horn and bell.	provided with a similar fog-horn and bell.
In fog, mist, falling snow, or heavy rain storms, whether by day or night, the signals described in this Article shall be used as follows, viz.:	In fog, mist, falling snow, or heavy rains storms, whether by day or night, the signals described in this Article shall be used as follows, viz.:
(*a*) A steam vessel having way upon her shall sound, at intervals of not more than 2 minutes, a prolonged blast.	(*a*) A steam vessel having way upon her, shall sound, at intervals of not more than 2 minutes, a prolonged blast.
(*b*) A steam vessel under way, but stopped and having no way upon her, shall sound, at intervals of not more than 2 minutes, 2 prolonged blasts, with an interval of about 1 second between them.	(*b*) A steam vessel under way, but stopped and having no way upon her, shall sound, at intervals of not more than 2 minutes, 2 prolonged blasts, with an interval of about 1 second between them.
(*c*) A sailing-vessel under way shall sound, at intervals of not more than 1 minute, when on the starboard tack oue blast, when on the port tack two blasts in succession, and when with the wind abaft the beam three blasts in succession.	(*c*) A sailing-vessel under way shall sound, at intervals of not more than 1 minute, when on the starboard tack one blast, when on the port tack two blasts in succession, and when with the wind abaft the beam three blasts in succession.
(*d*) A vessel, when at anchor, shall, at intervals of not more than 1 minute, ring the bell rapidly for about 5 seconds.	(*d*) A vessel, when at anchor, shall, at intervals of not more than 1 minute, ring the bell rapidly for about 5 seconds.
(*e*) A vessel, at anchor at sea, when not in ordinary anchorage ground and when in such a position as to be an obstruction to vessels under way, shall sound, if a steam-vessel, at intervals of not more than 2 minutes, two prolonged blasts whith her wistle or siren, followed by ringing her bell; or, if a sailing-vessel, at intervals of not more than 1 minute, two blasts with her	(*e*) A vessel, at anchor at sea, when not in ordinary anchorage ground and when in such a position as to be an obstruction to vessels under way shall sound, if a steam-vessel, at intervals of not more than 2 minutes, two prolonged blasts with her whistle or siren, followed by ringing her bell; or, if a sailing-vessel, at intervals of not more than 1 minute two blasts with

International Regulations for Preventing Collisions at Sea as passed at the Washington International Maritime Conference.	Regulations for Preventing Collisions at Sea proposed for adoption by Great Britain.
	N.B. — The variations from the Regulations as passed at Washington are shown in italics, additions and alterations being underlined and omissions being indicated in brackets.
fog-horn, followed by ringing her bell.	her fog-horn, followed by ringing her bell.
(*f*) A vessel, when towing, shall, instead of the signals prescribed in subdivisions (*a*) and (*c*) of this Article, at intervals of not more than 2 minutes, sound three blasts in succession, viz.: one prolonged blast followed by two short blasts. A vessel towed may give this signal and she shall not give any other.	(*f*) A vessel, when towing, shall, instead of the signals prescribed in subdivisions (*a*) and (*c*) of this Article, at intervals of not more than 2 minutes, sound three blasts in succession, viz.: one prolonged blast followed by two short blasts. A vessel towed may give this signal and she shall not give any other.
(*g*) A steam-vessel wishing to indicate to another "The way is off my vessel, you may feel your way past me", may sound three blasts in succession, viz.: short, long, short,with intervals of about 1 second between them.	(*g*) A steam-vessel wishing to indicate to another "The way is off may vessel, you may feel your way past me", may sound three blasts in succession, viz.: short, long, short, with intervals of about 1 second between them.
(*h*) A vessel employed in laying or in picking up a telegraph cable shall, on hearing the fog-signal of an approaching vessel, sound in answer three prolonged blasts in succession.	(*h*) A vessel employed in laying or in picking up a telegraph cable shall, on hearing the fog-signal of an approaching vessel, sound in answer three prolonged blasts in succession.
(*i*) A vessel under way which is unable to get out of the way of an approaching vessel trough being not under command, or unable to manœuvre as required by these Rules, shall, on hearing the fog-signal of an approaching vessel, sound in answer four short blasts in succession.	(*i*) A vessel under way, which is unable to get out of the way of an approaching vessel through being not under command, or unable to manœuvre as required by these Rules, shall, on hearing the fog-signal of an approaching vessel, sound in answer four short blasts in succession.
Sailing-vessels and boats of less than 20 tons gross tonnage shall not be obliged to give the above-mentioned signals, but if they do not, they shall make some other efficient sound-signal at intervals of not more than 1 minute.	Sailing-vessels and boats of less than 20 tons gross tonnage shall not be obliged to give the above-mentioned signals, but if they do not, they shall make some other efficient sound-signal at intervals of not more than 1 minute.

International Regulations for Preventing Collisions at Sea as passed at the Washington International Maritime Conference.	Regulations for Preventing Collisions at Sea proposed for adoption by Great Britain.
	N.B. — The variations from the Regulations as passed at Washington are shown in italics, additions and alterations being underlined and omissions being indicated in brackets.
Speed of Ships to be Moderate in Fog, &c.	Speed of Ships to be Moderate in Fog, &c.
Art. 16. — Every vessel shall, in a fog, mist, falling snow, or heavy rain-storms, go at a moderate speed, having careful regard to the existing circumstances and conditions.	Art. 15. — Every vessel shall, in a fog, mist, falling snow, or heavy rain-storms, go at a moderate speed, having careful regard to the existing circumstances and conditions.
A steam vessel hearing, apparently forward of her beam, the fog-signal of a vessel the position of which is not ascertained, shall, so far as the circumstances of the case admit, stop her engines, and then navigate with caution until danger of collision is over.	A steam-vessel hearing, apparently forward of her beam, the fog-signal of a vessel the position of which is not ascertained, shall, so far as the circumstances of the case admit, stop her engines, and then navigate with caution until danger of collision is over.
Steering and Sailing Rules.	Steering and Sailing Rules.
Preliminary—Risk of Collision.	Preliminary—Risk of Collision.
Risk of collision can, when circumstances permit, be ascertained by carefully watching the compass bearing of an approaching vessel. If the bearing does not appreciably change, such risk should be deemed to exist.	Risk of Collision can, when circumstances permit, be ascertained by carefully watching the compass bearing of an approaching vessel. If the bearing does not appreciably change, such risk should be deemed to exist.
Art. 17. — When two sailing vessels are approaching one another, so as to involve risk of collision, one of them shall keep out of the way of the other, as follows, viz.:	Art. 16. — When two sailing-vessels are approaching one another, so as to involve risk of collision, one of them shall keep out of the way of the other, as follows, viz.:
(*a*) A vessel which is running free shall keep out of the way of a vessel which is close-hauled.	(*a*) A vessel which is running free shall keep out of the way of a vessel which is close-hauled.
(*b*) A vessel which is close-hauled on the port tack shall keep out of the way of a vessel which is close-hauled on the starboard tack.	(*b*) A vessel which is close-hauled on the port tack shall keep out of the way of a vessel which is close-hauled on the starboard tack.
(*c*) When both are running free,	(*c*) When both are runnig free

International Regulations for Preventing Collisions at Sea as passed at the Washington International Maritime Conference.	Regulations for Preventing Collisions at Sea proposed for adoption by Great Britain.
	N.B. — The variations from the Regulations as passed at Washington are shown in italics, additions and alterations being underlined and omissions being indicated in brackets.
with the wind on different sides, the vessel which has the wind on the port side shall keep out of the way of the other.	with the wind on different sides, the vessel which has the wind on the port side shall keep out of the way of the other.
(*d*) When both are running free, with the wind on the same side, the vessel which is to windward shall keep out of the way of the vessel which is to leeward.	(*d*) When both are running free, with the wind on the same side, the vessel which is to windward shall keep out of the way of the vessel which is to leeward.
(*e*) A vessel which has the wind aft shall keep out of the way of the other vessel.	(*e*) A vessel which has the wind aft shall keep out of the way of the other vessel.
Art. 18. — When two steam vessels are meeting end on, or nearly end on, so as to involve risk of collision, each shall alter her course to starboard, so that each may pass on the port side of the other.	Art. 17. — When two steam vessels are meeting end on, or nearly end on, so as to involve risk of collision, each shall alter her course to starboard, so that each may pass on the port side of the other.
This Article only applies to cases where vessels are meeting end on, or nearly end on, in such a manner as to involve risk of collision, and does not apply to two vessels which must, if both keep on their respective courses, pass clear of each other.	This Article only applies to cases where vessels are meeting end on, or nearly end on, in such a manner as to involve risk of collision, and does not apply to two vessels which must, if both keep on their respective courses, pass clear of each other.
The only cases to which it does apply are, when each of the two vessels is end on, or nearly end on, to the other; in other words, to cases in which, by day, each vessel sees the masts of the other in a line, or nearly in a line, with her own; and by night, to cases in which each vessel is in such a position as to see both the side-lights of the other.	The only cases to which it does apply are, when each of the two vessels is end on, or nearly end on, to the other; in other words, to cases in which, by day, each vessel sees the masts of the other in a line, or nearly in a line, with her own; and by night, to cases in which each vessel is in such a position as to see both the side-lights of the other.
It does not apply, by day, to cases in which a vessel sees another ahead crossing her own course;	It does not apply, by day, to cases in which a vessel sees another ahead crossing her own course;

International Regulations for Preventing Collisions at Sea as passed at the Washington International Maritime Conference.	Regulations for Preventing Collisions at Sea proposed for adoption by Great Britain.
	N.B. — The variations from the Regulations as passed at Washington are shown in italics, additions and alterations being unterlined and omissions being indicated in Brackets.
or by night, to cases where the red light of one vessel is opposed to the red light of the other, or where the green light of one vessel is opposed to the green light of the other, or where a red light without a green light, or a green light without a red light, is seen ahead, ore where both green and red lights are seen anywhere but ahead.	or by night, to cases where the red light of one vessel is opposed to the red light of the other, or where the green light of one vessel is opposed to the green light of the other, or where a red light without a green light, or a green light without a red light, is seen ahead, or where both green and red lights are seen anywhere but ahead.
Art. 19. — When two steam-vessels are crossing, so as to involve risk of collision, the vessel which has the other on her own starboard side shall keep out of the way of the other.	Art. 18. — When two steam-vessels are crossing, so as to involve risk of collision, the vessel which has the other on her own starboard side shall keep out of the way of the other.
Art. 20. — When a steam-vessel and a sailing-vessel are proceeding in such directions as to involve risk of collision, the steam-vessel shall keep out of the way of the sailing-vessel.	Art. 19. — When a steam-vessel and a sailing-vessel are proceeding in such directions as to involve risk of collision, the steam-vessel shall keep out of the way of the sailing-vessel.
Art. 21. — Where by any of these Rules one of two vessels is to keep out of the way, the other shall keep her course and speed.	Art. 20. — Where by any of these Rules one of two vessels is to keep out of the way, the other shall keep her course and speed.
	Note.—When, in consequence of thick weather or other causes, such vessel finds herself so close that collision cannot be avoided by the action of the giving-way vessel alone, she also shall take such action as will best aid to avert collision. See Articles 26 and 28.
Art. 22. — Every vessel which is directed by these Rules to keep out of the way of another vessel, shall, if the circumstances of the case admit, avoid crossing ahead of the other.	Art. 21. — Every vessel which is directed by these Rules to keep out of the way of another vessel, shall, if the circumstances of the case admit, avoid crossing ahead of the other.

International Regulations for Preventing Collisions at Sea as passed at the Washington International Maritime Conference.	Regulations for Preventing Collisions at Sea proposed or adoption by Great Britain.
	N.B. — The variations from the Regulations as passed at Washington are shown in italics, additions and alterations being underlined and omissions being indicated in brackets.
Art. 23. — Every steam-vessel which is directed by these Rules to keep out of the way of another vessel shall, on approaching her, if necessary slacken her speed or stop or reverse.	Art. 22. — Every steam-vessel which is directed by these Rules to keep out of the way of another vessel shall, on approaching her, if necessary, slacken her speed or stop or reverse.
Art. 24. — Notwithstanding anything contained in these Rules every vessel, overtaking any other, shall keep out of the way of the overtaken vessel.	Art. 23. — Notwithstandig anything contained in these Rules every vessel, overtaking any other, shall keep out of the way of the overtaken vessel.
Every vessel coming up with another vessel from any direction more than two points abaft her beam, *i.e.*, in such a position, with reference to the vessel which she is overtaking that at night she would be unable to see either of that vessel's sidelights, shall be deemed to be an overtaking vessel, and no subsequent alteration of the bearing between the two vessels shall make the overtaken vessel a crossing vessel within the meaning of these Rules, or relieve her of the duty of keeping clear of the overtaken vessel until she is finally past and clear.	Every vessel coming up with another vessel from any direction more than two points abaft her beam *i.e.*, in such a position, with reference to the vessel which she is overtaking that at night she would be unable to see either af that vessel's side-lights, shall be deemed to be an overtaking vessel; and no subsequent alteration of the bearing between the two vessels shall make the overtaken vessel a crossing vessel within the meaning of these Rules, or relieve her of the duty of keeping clear of the overtaken vessel until she is finally past and clear.
As by day the overtaking vessel cannot always know with certainty whether she is forward of or abaft this direction from the other vessel she should, if in doubt, assume that she is an overtaking vessel and keep out of the way.	As by day the overtaking vessel cannot always know with certainty whether she is forward, aft, or abaft this direction from the other vessel she should, if in doubt, assume that she is an overtaking vessel and keep out of the way.
Art. 25. — In narrow channels every steam-vessel shall, when it is safe and practicable, keep to that side of the fair-way or mid-channel	Art. 24. — In narrow channels every steam-vessel shall, when it is safe and practicable, keep to that side of the fair-way or mid channel

International Regulations for Preventing Collisions at Sea as passed at the Washington International Maritime Conference.	Regulations for Preventing Collisions at Sea proposed for adoption by Great Britain.
	N.B. — The variations from the Regulations as passed at Washington are shown in italics, additions and alterations being underlined and omissions being indicated in brackets.
which lies on the starboard side of such vessel.	which lies on the starboard side of such vessel.
Art. 26. — Sailing-vessels under way shall keep out of the way of sailing-vessels or boats fishing with nets, or lines, or trawls. This Rule shall not give to any vessel or boat engaged in fishing the right of obstructing a fair-way used by vessels other than fishing-vessels or boats.	Art. 25. — Sailing-vessels under way shall keep out of the way of sailing-vessels or boats fishing with nets, or lines, or trawls. This rule shall not give to any vessel or boat engaged in fishing the right of obstructing a fair-way used by vessels other than fishing-vessels or boats.
Art. 27. — In obeying and construing these Rules due regard shall be had to all dangers of navigation and collision, and to any special circumstances which may render a departure from the above Rules necessary in order to avoid immediate danger.	Art. 26. — In obeying and construing these Rules due regard shall be had to all dangers of navigation and collision, and to any special circumstances which may render a departure from the above Rules necessary in order to avoid immediate danger.
Sound-Signals for Vessels in Sight of one Another.	Sound-Signals for Vessels in Sight of one Another.
Art. 28. — The words "short blast" used in this Article shall mean a blast of about one second's duration.	Art. 27. — The words "short blast" used in this Article shall mean a blast of about one second's duration.
When vessels are in sight of one another, a steam-vessel under way, in taking any course authorized or required by these Rules, shall indicate that course by the following signals on her whistle or siren, viz.:	When vessels are in sight of one another, a steam-vessel under way, in taking any course authorized or required by these Rules, shall indicate that course by the following signals on her whistle or siren, viz.:
One short blast to mean, "I am "directing my course to starboard".	One short blast to mean, "I am "directing my course to starboard".
Two short blasts to mean, "I am "directing my course to port".	Two short blasts to mean, "I am "directing my course to port".
Three short blasts to mean, "My "engines are going full speed astern".	Three short blasts to mean, "My "engines are going full speed astern".

International Regulations for Preventing Collisions at Sea as passed at the Washington International Maritime Conference.	Regulations for Preventing Collisions at Sea proposed for adoption by Great Britain
	N.B. — The variations from the Regulations as passed at Washington are shown in italics; additions and alterations being underlined and omissions being indicated in brackets.
No Vessel under any circumstances, to neglect Proper Precautions.	No Vessel, under any circumstances, to neglect Proper Precautions.
Art. 29. — Nothing in these Rules shall exonerate any vessel, or the owner, or master, or crew thereof, from the consequences of any neglect to carry lights or signals, or of any neglect to keep a proper look-out, or of the neglect of any precaution which may be required by the ordinary practice of seamen, or by the special circumstances of the case.	Art. 28. — Nothing in these Rules shall exonerate any vessel, or the owner, or master, or crew thereof, from the consequences of any neglect to carry lights or signals, or of any neglect to keep a proper look-out, or of the neglect of any precaution which may be required by the ordinary practice of seamen, or by the special circumstances of the case.
Reservation of Rules for Harbors and Inland Navigation.	Reservation of Rules for Harbours and Inland Navigation
Art. 30. — Nothing in these Rules shall interfere with the operation of a special rule, duly made by local authority, relative to the navigation of any harbor, river, or inland waters.	Art. 29. — Nothing in these Rules shall interfere with the operation of a special rule, duly made by local authority, relative to the navigation of any harbour, river or inland waters.
Distress Signals.	Distress Signals.
Art. 31. — When a vessel is in distress and requires assistance from other vessels or from the shore, the following shall be the signals to be used or displayed by her, either together or separately, viz.:	Art. 30. — When a vessel is in distress and requires assistance from other vessels or from the shore, the following shall be the signals to be used or displayed by her, either together or separately; viz.:
In the daytime—	In the daytime—
1. A gun fired at intervals of about a minute;	1. A gun *or other explosive signal* fired at intervals of about a minute;
2. The international Code signal of distress indicated by N C;	2. The International Code signal of distress indicated by N C;
3. The distant signal, consisting of a square flag, having either above or below it a ball or anything resembling a ball;	3. The distant signal, consisting of a square flag, having either above or below it a ball or anything resembling a ball;

International Regulations for Preventing Collisions at Sea as passed at the Washington International Maritime Conference.	Regulations for Preventing Collisions at Sea proposed for adoption by Great Britain.
	N.B. — The variations from the Regulations as passed at Washington are shown in italics, additions and alterations being underlined and omissions being indicated in brackets.
4. Rockets or shells as prescribed below for use at night;	4. [omitted.]
5. A continuous sounding with any fog-signal apparatus.	4. A continuous sounding with any fog-signal apparatus.
At night—	At night—
1. A gun fired at intervals of about a minute;	1. A gun or other explosive signal fired a intervals of about a minute;
2. Flames on the vessel (as from a burning tarbarrel, oil barrel, etc.);	2. Flames on the vessel (as from burning tarbarrel, oil-barrel, etc.):
3. Rockets or shells, bursting in the air with a loud report and throwing stars of any colour or description, fired one at a time, at short intervals;	3. Rockets or shells, throwing stars of any colour or description, fired one at a time, at short intervals: [The words "bursting in the air with a loud report and" are omitted.]
4. A continuous sounding with any fog-signal apparatus.	4. A continuous sounding with any fog-signal apparatus.

No. 2.

The Admiralty to the Board of Trade.

L. 6,110.

Sir, Admiralty, July 29, 1892.

With reference to your letter of 15th instant, M. 11,129, I am commanded by my Lords Commissioners of the Admiralty to acquaint you, for the information of the Board of Trade, that they concur in the draft Regulations for preventing Collisions at Sea forwarded by you, and in the action proposed to be taken in connection therewith.

2. My Lords desire me to request that they may be informed at what date it is proposed that the new Regulations should come into force.

3. My Lords have had much pleasure in communicating the concluding paragraph of your letter to the Admiralty representative on the Committee.

I am, &c.

The Secretary, Board of Trade. (Signed) *R. D. Awdry.*

No. 3.

The Board of Trade to the Admiralty.

M. 12,732.

Sir, Board of Trade, August 15, 1892.

I am directed by the Board of Trade to acknowledge the receipt of your letter of the 29th ultimo, stating that the Lords Commissioners of the Admiralty concur in the draft regulations for preventing collisions at sea, and in the action proposed to be taken in connection therewith.

As regards the question when these regulations should come into force, I am to state that the Board of Trade propose to wait for two or three months after they have been laid before the Houses of Parliament, and should no objections be raised which alter the views of Her Majesty's Government on the subject, there would, as far as the Board are aware, be no reason for further delay.

I am to add that the draft Order in Council will be submitted to the Admiralty in the usual manner.

I have, &c.

The Secretary, Admiralty, S.W. (Signed) *Henry G. Calcraft.*

At the Council Chamber, Whitehall.

This 29th day of June, 1892. Present: The Right Honourable Sir Michael E. Hicks-Beach, Bart., M.P.

The Board of Trade are pleased to direct that the Committee appointed by their Minute of 29th July, 1890, to consider the alterations in the Regulations for the prevention of Collisions at Sea which were recommended by the International Maritime Conference at Washington should now consider and report upon the alterations in the lights and signals carried by fishing vessels and fishing boats recommended at that conference, and generally upon the regulations applicable to such vessels.

(Signed) *M. E. Hicks-Beach.*

Report of the Committee appointed to consider the Alterations in the Regulations for Preventing Collisions at Sea recommended by the Washington Conference, in regard to the Lights and Signals of Fishing Vessels and Fishing Boats.

To the Right Honourable Sir Michael E. Hicks-Beach, Bart., M.P.,
President of the Board of Trade.

Sir, Board of Trade, S. W., 13th July, 1892.

We beg to report that in accordance with the direction of the Board of Trade, dated the 29th day of June 1892, we have considered the alterations in the Lights and Signals carried by Fishing Vessels and Fishing

Boats recommended at the Washington International Maritime Conference, and the observations of Foreign Powers thereon. We recommend that the Regulations be altered as shown in the enclosure, alterations and omissions being marked in italics and brackets respectively.

We have the honour to be,
Sir,
Your obedient Servants,
Charles Hall, Chairman.
N. Bowden Smith.
Henry G. Calcraft.
R. H. More Molyneux.
Digby Murray.
G. S. Nares.
Thos. Sutherland.
William Watson.
Charles G. Weller.
W. J. L. Wharton.

Garnham Roper.
Secretary.

Enclosure to the Report of the Committee dated 13th July 1892, in regard to Article 9 of the Regulations for Preventing Collisions at Sea, recommended at the Washington International Maritime Conference.

International Regulations for Preventing Collisions at Sea as passed at the Washington International Maritime Conference.	Regulations for Preventing Collisions at Sea as proposed by the Committee, for fishing-vessels and fishing-boats.
Art. 9.—Fishing-vessels and fishing-boats when under way and when not required by this Article to carry or show the lights therein named, shall carry or show the lights prescribed for vessels of their tonnage under way, (*a*) Vessels and boats when fishing with drift-nets shall exhibit two white lights from any part of the vessel where they can best be seen. Such lights shall be placed so that the vertical distance between them shall be not less than 6 feet and not more than 10 feet, and so that the horizontal distance between them, measured in a line with the keel,	Fishing-vessels and fishing-boats when under way and when not required by this Article to carry or show the lights therein named, shall carry or show the lights prescribed for vessels of their tonnage under way. (*a*) Open boats, by which is to be understood boats which have no covered sleeping accommodation for the crew, shall be required to show one all-round white light when engaged in any fishing by night. (*b*) Vessels and boats when fishing with drift-nets shall exhibit two white lights from any part of the vessel where they can best

International Regulations for Preventing Collisions at Sea as passed at the Washington International Maritime Conference.	Regulations for Preventing Collisions at Sea as proposed by the Committee, for fishing-vessels and fishing-boats.
shall be not less than 5 feet and not more than 10 feet. The lower of these two lights shall be the more forward, and both of them shall be of such a character as to show all round the horizon, and to be visible at a distance of not less than 3 miles.	be seen. Such lights shall be placed so that the vertical distance between them shall be not less than 6 feet and not more than 15 feet, and so that the horizontal distance between them, measured in a line with the keel, shall be not less than 5 feet and not more than 10 feet. The lower of these two lights shall be towards that end of the vessel to which the nets are attached, and both of them shall be of such a character as to show all round the horizon, and to be visible at a distance of not less than 3 miles.
(*b*) Vessels when engaged in trawling, by which is meant the dragging of an apparatus along the bottom of the sea —	(*c*) Vessels, when engaged in trawling, by which is meant the dragging of an apparatus along the bottom of the sea —
1. If steam vessels, shall carry in the same position as the white light mentioned in Article 2 (*a*), a tricoloured lantern so constructed and fixed as to show a white light from right ahead to 2 points on each bow, and a green light and a red light over an arc of the horizon from 2 points on either bow to 2 points abaft the beam on the starboard and port side respectively; and not less than 6 nor more than 12 feet below the tricoloured lantern, a white light in a lantern, so constructed as to show a clear uniform and unbroken light all round the horizon.	1. If steam-vessels, shall carry in the same position as the white light mentioned in Article 2 (*a*), a tricoloured lantern so constructed and fixed as to show a white light from right ahead to 2 points on each bow, and a green light and a red light over an arc of the horizon from 2 points on either bow to 2 points abaft the beam on the starboard and port side respectively; and not less than 6 nor more than 12 feet below the tricoloured lantern, a white light in a lantern, so constructed as to show a clear uniform and unbroken light all round the horizon.
2. If sailing-vessels of 7 tons gross tonnage and upwards, shall carry a white light in a lantern, so constructed as to show a clear	2. If sailing-vessels, shall carry a white light in a lantern, so constructed as to show a clear uniform and unbroken light all

International Regulations for Preventing Collisions at Sea as passed at the Washington International Maritime Conference.	Regulations for Preventing Collisions at Sea as proposed by the Committee, for fishing-vessels and fishing-boats.
uniform and unbroken light all round the horizon, and shall also be provided with a sufficient supply of red pyrotechnic lights, which shall each burn for at least 30 seconds, and shall be shown on the approach of or to other vessels in sufficient time to prevent collision.	round the horizon, and shall also be provided with a sufficient supply of red and green pyrotechnic lights which shall each burn for at least 30 seconds, and shall be shown according to the tack on which the vessel is trawling (red port and green starboard tacks) on the approach of or to other vessels in sufficient time to prevent collision.
In the Mediterranean Sea, the vessels referred to in subdivision (*b*) 2, may use a flare up light in lieu of a pyrotechnic light.	In the Mediterranean Sea, the vessel referred to in subdivision (*c*) 2, may use a flare-up light in lieu of pyrotechnic lights.
All lights mentioned in subdivision (*b*) 1 and 2 shall be visible at a distance of at least 2 miles.	All lights mentioned in subdivision (*c*) 1 and 2 shall be visible at a distance of at least 2 miles.
3. If sailing-vessels of less than 7 tons gross tonnage, shall not be obliged to carry the white light mentioned in subdivision (*b*) 2 of this Article, but if they do not carry such light, they shall have at hand, ready for use, a lantern showing a bright white light, which shall on the approach of or to other vessels be exhibited where it can best be seen, in sufficient time to prevent collision; and they shall also show a red pyrotechnic light, as prescribed in subdivision (*b*) 2, or in lieu thereof a flare-up light.	(3. Omitted.) 3. Oyster dredgers shall show the same lights as trawlers.
(*c*) Vessels and boats when line-fishing with their lines out and attached to their lines, aud when not at anchor or stationary, shall carry the same lights as vessels fishing with drift-nets.	(*d*) Vessels (and boats) when line-fishing with their lines out and attached to their lines, and when not at anchor or stationary, shall carry the same lights as vessels fishing with drift-nets. When shooting their nets they may show a white all-round light, not more than 4 feet from the

International Regulations for Preventing Collisions at Sea as passed at the Washington International Maritime Conference.	Regulations for Preventing Collisions at Sea as proposed by the Committee, for fishing-vessels and fishing-boats.
	deck, in addition to the lights prescribed for a steam or sailing vessel under way respectively.
(*d*) Fishing-vessels and fishing boats may at any time use a flare-up light in addition to the lights which they are by this Article required to carry and show. All flare-up lights exhibited by a vessel when trawling or fishing with any kind of drag-net shall be shown at the after part of the vessel, excepting that, if the vessel is hanging by the stern to her fishing gear, they shall be exhibited from the bow.	(*e*) Fishing-vessels and fishing-boats may at any time use a flare-up light in addition to the lights which they are by this Article required to carry and show. All flare-up lights exhibited by a vessel when trawling, or fishing with any kind of drag-net shall be shown at the after part of the vessel, excepting that, if the vessel is hanging by the stern to her fishing gear, they shall be exhibited from the bow.
(*e*) Every fishing-vessel and every boat when at anchor shall exhibit a white light visible all round the horizon at a distance of at least 1 mile.	(*f*) Every fishing vessel and every boat when at anchor shall exhibit a white light visible all round the horizon at a distance of at least one mile.
(*f*) If a vessel or boat when fishing becomes stationary in consequence of her gear getting fast to a rock or other obstruction, she shall show the light and make the fog-signal prescribed for a vessel at anchor, respectively. (See Article 15 (*d*) (*e*) and last paragraph.)	(*g*) If a vessel or boat when fishing becomes stationary in consequence of her gear getting fast to a rock or other obstruction, she shall show the light and during fog make the fog-signal prescribed for a vessel at anchor (respectively). (See Art. 15 (*d*), (*e*) and last paragraph.).
(*g*) In fog, mist, falling snow, or heavy rain-storms, drift-net vessels attached to their nets, and vessels when trawling, dredging, or fishing with any kind of drag-net, and vessels line-fishing with their lines out, shall, if of 20 tons gross tonnage or upwards, respectively, at intervals of not more than 1 minute make a blast; if steam-vessels with the whistle or siren, and if sailing-vessels with the fog-horn, each blast to be followed by ringing the bell.	(*h*) In fog, mist, falling snow, or heavy rain-storms, drift-net vessels attached to their nets, and vessels when trawling, dredging, or fishing with any kind of drag-net, and vessels line-fishing with their lines out, shall, if of 20 tons gross tonnage or upwards, respectively, at intervals of not more than one minute make a blast; if steam-vessels with the whistle or siren, and if sailing-vessels with the fog-horn, each blast to be followed by ringing the bell.

International Regulations for Preventing Collisions at Sea as passed at the Washington International Maritime Conference.	Regulations for Preventing Collisions at Sea as proposed by the Committee, for fishing-vessels and fishing-boats.
(*h*) Sailing vessels or boats fishing with nets or lines or trawls, when under way, shall in day-time indicate their occupation to an approaching vessel by displaying a basket or other efficient signal where it can best be seen.	(*i*) Sailing-vessels or boats fishing with nets or lines or trawls, when under way, shall in day-time indicate their occupation to an approaching vessel by displaying a basket or other efficient signal where it can best be seen.
The vessels referred to in this Article shall not be obliged to carry the lights prescribed by Article 4 (*a*), and Article 11, last paragraph.	The vessels referred to in this Article shall not be obliged to carry the lights prescribed by Article 4 (*a*), and Article 11, last paragraph.

1.

The Board of Trade to the Admiralty.

M. 12,167.

Sir, Board of Trade, July 27, 1892.

With reference to the letter from this Department of the 15th instant, transmitting a Report made by the Rule of the Road Committee, I am now to enclose, for the information of the Lords Commissioners of the Admiralty, copy of another Report (with enclosure) which the Committee have made with special regard to the Regulations affecting Fishing Vessels and Fishing Boats, a subject which the Committee recommend should be dealt with independently of the other Regulations.

I am to state that the Board would be glad to know whether the Lords Commissioners concur with them in thinking that this Report should be adopted as expressing the views of Her Majesty's Government, and that the Foreign and Colonial Governments should be informed accordingly.

I have, &c.

The Secretary, Admiralty. (Signed) *Henry G. Calcraft.*

2.

The Admiralty to the Board of Trade.

L. 6,410.

Sir, Admiralty, August 6, 1892.

I have received and laid before my Lords Commissioners of the Admiralty your letter of the 27th ultimo, M. 12,167, forwarding a copy of a Report which the Rule of the Road Committee have made, with special regard to the Regulations affecting Fishing Vessels and Fishing Boats.

2. My Lords desire me to acquaint you, for the information of the Board of Trade, that they concur in the proposal to adopt this Report as expressing the views of H. M. Government, and to inform the Foreign and Colonial Governments accordingly.

I am, &c.

The Secretary, Board of Trade. (Signed) *R. D. Awdry.*

3.

The Board of Trade to the Foreign Office.

M. 13,072.

Sir, Board of Trade, August 18, 1892.

With reference to the letters from this Department of the 12th January last and the 8th instant, stating that the question of the Lights to be carried by Fishing Vessels had been referred to the Committee which reported on the other portions of the proposed new Regulations for Preventing Collisions at Sea, and that their Report would be communicated in due course to the Foreign Office, I am directed by the Board of Trade to transmit to you, to be laid before the Secretary of State for Foreign Affairs, the accompanying copy of that Report, and to state that the Lords Commissioners of the Admiralty concur with this Department that it should be adopted as expressing the views of Her Majesty's Government.

The Board would therefore suggest that, should the Secretary of State see no objection, copies of the proposed new Regulations for Fishing Vessels and Fishing Boats should be submitted to the Maritime Powers, and that they should be informed that Her Majesty's Government are prepared to adopt them for British Fishing Vessels, but would be glad to obtain the concurrence of other nations.

This concurrence is, of course, of most importance in the case of those nations who are interested in the North Sea Fishing, and the Board desire me to refer especially to the proposal made by the Dutch Government in 1889 that there should be a Conference at the Hague to consider the question of Fishing Vessels' lights, a proposal which it was not convenient to entertain at the time. The Board of Trade gather from the terms of the memorandum enclosed in Sir H. Rumbold's note of the 7th ultimo, that the Dutch Government would not be disinclined to accept the Washington Conference Rule with some slight modification, and they therefore hope that their adherence to the Regulations proposed may be secured.

I have, &c.

(Signed) *Henry G. Calcraft.*

The Under Secretary of State,
Foreign Office, S. W.

22.

BELGIQUE.

Loi relative à la répression des contraventions à la Convention du 16 novembre 1887*), concernant le trafic des spiritueux dans la mer du Nord du 2 juin 1890.

Moniteur belge, 1894, No. 20/21.

Ministère de la Justice.

Loi relative à la répression des contraventions à la Convention du 16 novembre 1887, concernant le trafic des spiritueux dans la mer du Nord.

Léopold II, Roi des Belges,

A tous présents et à venir, Salut.

Les Chambres ont adopté et Nous sanctionnons ce qui suit:

Art. 1. — Quiconque, en contravention à l'article 2 de la Convention internationale du 16 novembre 1887, concernant le trafic des spiritueux dans la mer du Nord, aura vendu des boissons spiritueuses, ou en aura débité en échange d'autres objets, sera puni d'un emprisonnement de huit jours à un mois et d'une amende de 26 à 100 francs, ou d'une de ces peines seulement.

Quiconque, dans les mêmes conditions, aura acheté des boissons spiritueuses ou en aura accepté en échange d'autres objets, sera puni d'un emprisonnement d'un à sept jours et d'une amende de 1 à 25 francs, ou d'une de ces peines seulement.

Si l'échange des boissons spiritueuses a eu lieu contre des produits de la pêche, des objets d'armement ou des engins de pêche, ceux qui l'auront opéré ou accepté seront punis d'un emprisonnement de quinze jours à deux mois et d'une amende de 26 à 200 francs, ou d'une de ces peines seulement.

Art. 2. — Sera puni d'un emprisonnement de huit à quinze jours et d'une amende de 26 à 50 francs, ou d'une ces peines seulement, quiconque, en contravention à l'article 3 de la Convention, aura, sans permis, débité aux pêcheurs des objets autres que des boissons spiritueuses. Sera considéré comme étant en contravention le navire qui, sauf le cas de force majeure, ne sera pas en mesure d'exhiber son permis à tout officier compétent qui l'exigera.

Le permis est toujours révocable.

Seront punis de la même manière:

Ceux qui auront opéré ou accepté en échange d'objets autres que des boissons spiritueuses contre des produits de la pêche, des objets d'armement ou des engins de pêche;

Ceux qui, ayant un permis, auront à bord une quantité de spiritueux supérieure à celle jugée nécessaire pour la consommation de l'équipage.

L'infraction aux prescriptions concernant la marque spéciale à porter

*) V. **N. R. G.** 2e S. XIX, 414.

par les navires munis du permis ci-dessus, sera punie d'un emprisonnement d'un à sept jours et d'une amende de 1 à 25 francs, ou d'une de ces peines seulement.

Art. 3. — Quiconque aura résisté aux prescriptions des commandants des bâtiments chargés de la surveillance du trafic des spiritueux, ou de ceux qui agissent d'après leurs ordres, sera condamné à une amende de 50 à 500 francs; la peine d'emprisonnement de huit jours à un an pourra de plus être prononcée, sans préjudice des peines comminées par le Code pénal en cas de rébellion.

Art. — En cas de récidive, les peines de l'emprisonnement et de l'amende pourront être portées au double.

Il y a récidive lorsque l'auteur d'une infraction prévue par la présente loi a déjà été condamné, dans les deux années précédentes, du chef de la même infraction.

Art. 5. — Indépendamment des officiers de police judiciaire, les commissaires maritimes et leurs agents, les employés de la douane, les capitaines commissionnés commandant les navires de l'Etat, les commandants des bâtiments croiseurs étrangers, ces derniers dans les limites fixées par la Convention, rechercheront et constateront les infractions prévues par la présente loi.

Leurs procès-verbaux feront foi jusqu'à preuve contraire.

Art. 6. — Le tribunal correctionnel de l'arrondissement et le tribunal de police du canton dans le ressort desquels est situé le port d'attache du bateau de l'inculpé seront, suivant les cas, respectivement compétents pour statuer sur les infractions prévues par les articles qui précèdent.

Art. 7. — Les dispositions de la présente loi s'appliqueront également, dans les eaux territoriales de la Belgique, aux personnes se trouvant à bord de tout navire ou bâtiment quelle qu'en soit la nationalité.

Les agents spécifiés à l'article 5, à l'exclusion des commandants des bâtiments croiseurs étrangers, seront compétents pour rechercher et constater les infractions commises dans les eaux territoriales.

Les infractions seront jugées par le tribunal correctionnel de l'arrondissement ou par le tribunal de police du canton dans le ressort desquels elles auront été commises.

Art. 8. — Par dérogation au § 1er de l'article 100 du Code pénal:

Le chapitre VII et l'article 85 du livre Ier de ce Code seront applicables aux infractions ci-dessus;

Les articles 42 et 43 du même code ne le seront pas.

Promulguons la présente loi, ordonnons qu'elle soit revêtue du sceau de l'Etat et publiée par la voie du Moniteur.

Donné à Laeken, le 2 juin 1890.

Léopold.

Par le roi:
Le Ministre de la justice,
Jules le Jeune.

Scellé du sceau de l'Etat:
Le Ministre de la justice,
Jules le Jeune.

23.

MÉXIQUE.

Loi sur les brevets d'invention et la protection de la propriété industrielle du 7 juin 1890.

Diario oficial No. 142 (14 juin 1890).

El Presidente de la República se ha servido dirigirme el decreto que sigue:

"Porfirio Diaz, Presidente Constitucional de los Estados-Unidos Mexicanos, á sus habitantes, sabed:

"Que el Congreso de la Union ha tenido á bien decretar lo siguiente:

"El Congreso de los Estados Unidos Mexicanos decreta:

Capítulo I.

Art. 1º. — Todo mexicano ó extranjero, inventor ó perfeccionador de alguna industria ó arte ó de objetos á ellas destinados, tiene derecho, en virtud de lo que dispone el art. 28 de la Constitucion, á la explotacion exclusiva de ellos durante un cierto número de años bajo las reglas y condiciones que se previenen en esta ley.

Para adquirir este derecho se necesita obtener una patente de invencion ó perfeccionamiento.

Art. 2º. — Es susceptible de privilegio todo descubrimiento, invencion ó perfeccionamiento que tenga por objeto un nuevo producto industrial, un nuevo medio de producion ó la aplicacion nueva de medios conocidos para obtener un resultado ó un producto industrial. Son igualmente susceptibles de privilegio los productos químicos ó farmacéuticos.

Art. 3º. — Una invencion ó perfeccionamiento no deben ser considerados nuevos cuando en el país ó en el extranjero y con anterioridad á la peticion del privilegio, hayan recibido una publicidad suficiente para ser ejecutados. Queda exceptuado el caso de que la publicidad haya sido hecha por una autoridad extranjera encargada de expedir patentes y cuando la invencion ó perfeccionamiento hayan sido presentadas en exposiciones celebradas en el territorio de la República ó en el extranjero.

Art. 4.º. — No pueden ser objeto de patente:

I. Las invenciones ó perfeccionamientos, cuya explotacion sea contraria á las leyes prohibitivas ó á la seguridad pública.

II. Los principios ó descubrimientos científicos miéntras sean meramente especulativos y no se traduzcan en máquina, aparato, instrumento, procedimiento ú operacion mecánica ó química, de carácter práctico industrial.

Art. 5º. — La concesion de una patente no garantiza la novedad ni la utilidad del objeto sobre que recae, ni prejuzga las cuestiones que sobre esto pudieran suscitarse. En consecuencia, deben ser concedidas sin exámen previo de la novedad ni de la utilidad, de la invencion ó perfeccionamiento,

ni de la suficiencia ó insuficiencia de las descripciones que se acompañen á la peticion.

Art. 6º. — La concesion de una patente no puede recaer más que sobre un objeto ó procedimiento industrial; cuando dos ó más pudieran combinarse entre sí para producir un mismo resultado industrial, se solicitará el número de patentes que fuere necesario.

Art. 7º. — Los derechos que conceden las patentes expedidas en la República para objetos ó procedimientos, que hubiesen sido ó fueren en lo sucesivo amparados con patentes extranjeras, son independientes de los derechos que aquellas otorguen, y de los efectos ó resultados que produzcan.

Art. 8º. — Los efectos de la patente son:

I. Privar á toda persona, sin permiso del propietario de la patente, del derecho de producir industrialmente el objeto de la invencion, de ponerlo en el comercio y de venderlo.

II. Tratándose de un procedimiento, máquinas ó de cualquiera otro medio de explotacion, de un instrumento ú otro medio de trabajo, el efecto de la patente es privar á los demas del derecho de aplicar el procedimiento ó de usar del objeto de la invencion, sin el permiso del propietario de la patente.

Art. 9º. — La patente no produce efecto alguno contra el tercero que explotaba ya secretamente ó habia hecho los preparativos necesarios para la explotacion en la República de la invencion ó perfeccionamiento, ántes de la presentacion de la solicitud de la patente.

Art. 10. — Los efectos de la patente no son extensivos á los objetos ó productos que en tránsito atraviesen el territorio de la República, ó permanezcan en sus aguas territoriales.

Art. 11. — El derecho á solicitar una patente para objetos ó procedimientos que estuvieren amparados con patentes extranjeras, sólo se concede á los inventores ó perfeccionadores, ó á sus legítimos representantes.

Art. 12. — Los inventores gozarán del plazo de un año contado desde la fecha de la patente, dentro del cual ellos exclusivamente tendrán el derecho de solicitar patentes de perfeccionamiento.

Art. 13. — Las patentes se otorgarán por 20 años contados desde el dia de su expedicion; no obstante, cuando las patentes se soliciten para objetos ó procedimientos ya amparados con patentes extranjeras, el término de su duracion no podrá exceder del que falte para la espiracion de la primera patente expedida á favor del solicitante.

Art. 14. — La duracion de las patentes puede ser prorogada por cinco años en casos excepcionales á juicio del Ejécutivo. La próroga de la patente de invencion trae consigo la próroga de las patentes de perfeccionamiento que con ella se relacionen.

Art. 15. — Las patentes son expropiables por el Ejecutivo, por causa de utilidad pública, previa indemnizacion cuando el libre uso de los efectos ó procedimientos que fueren objeto de la patente, sea susceptible de crear un ramo importante de riqueza nacional, y tenga lugar una de las siguientes circunstancias:

I. Que el inventor ó perfeccionador se nieguen á permitir la explotacion de su patente.

II. Que la máquina, aparato, instrumento ó procedimiento, sean susceptibles de producirse ó de aplicarse en el país.

El Reglamento determinará la forma y procedimientos que deban seguirse en la expropiacion.

Capitulo II.

Art. 16. — Para obtener los privilegios que esta ley concede, se necesitará ocurrir en debida forma á la Secretaría de Fomento, á cuyo cargo queda el otorgamiento de las patentes.

Art. 17. — El primero que solicite la patente de privilegio tiene á su favor la presuncion de ser el primer inventor ó perfeccionador, y además, goza de los derechos de posesion.

Art. 18. — Los inventores ó perfeccionadores que no puedan ocurrir por sí á la Secretaría de Fomento, ya sean nacionales ó extranjeros, tienen el derecho de constituir apoderados que los representen, tanto para solicitar la patente, como para los litigios ó cuestiones concernientes á ella.

Los nacionales podrán hacerse representar con carta-poder. Los extranjeros con poder jurídico en forma debidamente protocolizado.

Los efectos del poder terminan con la expedicion de la patente, salvo cláusula expresa en contrario contenida en el poder.

Art. 19. — La solicitud en que se pretenda una patente, será publicada en el Diario Oficial de la Federacion, durante dos meses, de en diez dias.

Art. 20. — Durante el término que señala el artículo anterior, todos tienen el derecho de oponerse ante la Secretaría de Fomento para el efecto de que se niegue la patente solicitada. Trascurrido dicho plazo, no será admitida ninguna oposicion.

Art. 21. — Las oposiciones sólo podrán fundarse en cualquiera de las causas siguientes:

I. No tratarse de una invencion ó perfeccionamiento que deba motivar la expedicion de una patente de conformidad con esta ley.

II. Haber tomado el objeto principal de la solicitud, de descripciones, dibujos, modelos, instrumentos, aparatos ú operaciones de que un tercero sea autor ó de un procedimiento empleado por otra persona, y en general no ser el peticionario el primer inventor ó perfeccionador ó legítimo representante de éstos.

Art. 22. — Si dos ó más personas pretendieren una misma patente, tendrá derecho á ella el primer inventor ó perfeccionador del objeto ó procedimiento para el cual se hubiese pedido, y si esto no se pudiere probar, el que primero la solicitó.

Art. 23. — Presentada una oposicion en los términos de los artículos 20 y 21, citará una en la cual junta procurará el avenimiento de las partes la Secretaría de Fomento, y si esto no pudiere conseguirse, se suspenderá todo trámite y se remitirán las constancias á la autoridad judicial competente. El opositor gozará del plazo de dos meses para mejorar su oposicion ante la autoridad judicial; pero trascurrido éste, su oposicion se tendrá por insubsistente.

Art. 24. — Todas las sentencias ejecutorias que dicte la autoridad

judicial serán communicadas á la Secretaría de Fomento para su debido cumplimiento.

Art. 25. — Las resoluciones que dicte la Secretaría de Fomento mandando expedir una patente, sólo podrán ser invalidadas por sentencia de la autoridad judicial y únicamente por causa de nulidad de dicha patente.

Art. 26. — Trascurridos los dos meses de que habla el artículo 19, y siempre que la Secretaría de Fomento no hubiere expedido con anterioridad una patente amparando la invencion ó perfeccionamiento de que se trate, se procederá al otorgamiento de la patente, previo el pago de la cuota correspondiente en la Tesorería General de la Nacion.

Capitulo III.

Art. 27. — Las patentes se expedirán á nombre de la Nacion, llevarán á su calce la firma del Presidente de la República, refrendada por el Secretario de Fomento y además el Gran Sello, insertándose en ellas con claridad la descripcion del descubrimiento ó perfeccionamiento privilegiado.

La patente con uno de los ejemplares sellados de los dibujos, muestras, modelos, y además con la copia autorizada por el Oficial mayor, de las constancias presentadas al solicitarlas, constituirá el título de propiedad del privilegiado.

Art. 28. — Las patentes serán inscritas en un registro especial de toma de razon.

Art. 29. — Las patentes que se expidan se publicarán en el Diario Oficial, y además, anualmente se publicarán en un libro especial la descripcion clara y precisa de los inventos ó perfeccionamientos, así como las copias de los dibujos.

Art. 30. — Todos los productos que estuvieren amparados por una patente, llevarán una marca que así lo exprese, el número y la fecha de la patente.

Capitulo IV.

Art. 31. — Las patentes de privilegio causarán un derecho de cincuenta á ciento cincuenta pesos, que se pagará en pesos mexicanos ó en bonos de la Deuda Nacional Consolidada.

Art. 32. — En el caso de la próroga de que habla el artículo 14, se causará de nuevo el derecho á que se refiere el artículo anterior.

Capitulo V.

Art. 33. — El poseedor de una patente de invencion ó perfeccionamiento, está obligado á acreditar ante la Secretaría de Fomento dentro del término de cinco años contados desde la fecha de la patente, que los objetos ó procedimientos amparados por ella se fabrican ó emplean en la República ó que se ha hecho cuanto era necesario para establecer el empleo é explotacion.

El plazo dentro del cual han de acreditarse estos hechos, es improrogable.

Art. 34. — La Secretaría de Fomento anotará en el registro de inscripcion de las patentes, el cumplimiento de lo que dispone el artículo anterior.

Capitulo VI.

Art. 35. — Son nulas las patentes:

I. Cuando se han expedido en contravencion de lo dispuesto en los artículos 2, 3 y 4. Sin embargo, cuando se ha obtenido una patente, á consecuencia de una solicitud, en la cual el peticionario ha pretendido y obtenido más de aquello á que tenia derecho como primer descubridor ó inventor, valdrá su patente en todo aquello á que tenga derecho, con tal que no se contravenga lo dispuesto en la fraccion siguiente, y de que al hacer la solicitud no se haya procedido con dolo. En el caso de esta disposicion, la patente quedará reducida á lo que ella debe comprender, procediéndose como determina el artículo 39.

II. Cuando el objeto sobre el cual se ha pedido la patente sea distinto del que se realiza por virtud de la misma.

III. Cuando se probare que el objeto principal de la solicitud está en alguno de los casos de la fraccion II del art. 21.

La accion de nulidad en este caso prescribe en el término de un año contado desde el dia en que se establezca en la República la explotacion de la patente.

Art. 36. — La accion para pedir la nulidad de una patente ante los tribunales, puede ejercerse á instancia de parte ó del Ministerio público.

Tambien podrá oponerse la nulidad por via de excepcion por los que exploten ó ejerzan la misma industria.

Art. 37. — Caducarán las patentes:

I. Cuando haya trascurrido el tiempo de la concesion y no hubieren sido prorogadas.

II. Cuando se renuncie á ellas en todo ó en parte.

III. Cuando no se haya dado cumplimiento á lo que dispone el artículo 33.

Art. 38. — La declaracion de caducidad en los dos primeros casos del artículo anterior, se hará por la Secretaría de Fomento; en el caso tercero sólo podrá hacerse por los tribunales, á instancia del Ministerio público ó de parte interesada, por via de accion ó de excepcion.

Art. 39. — Las declaraciones de nulidad y de caducidad serán publicadas en el Diario Oficial de la Federacion y anotadas en el registro de inscripcion de la Secretaría de Fomento.

Art. 40. — Los efectos de las declaraciones de nulidad y de caducidad, son que las invenciones ó perfeccionamientos que hayan side objeto de la patente, caigan bajo el dominio público.

En caso de renuncia, si ésta se hubiere hecho en parte, sólo quedará bajo el domino público la parte á la cual se renuncia, subsistiendo la patente en cuanto á lo demás. La renuncia se hará constar por escrito, y se anotará en el registro.

Capítulo VII.

Art. 41. — La propiedad de una patente podrá trasmitirse por cualquiera de los medios establecidos por la legislacion respecto á la propiedad particular; pero ningun acto de cesion ó cualquiera otro que envuelva modificacion del derecho de propiedad, podrá perjudicar á tercero, si no se ha registrado en la Secretaría de Fomento.

Capítulo VIII.

Art. 42. — Todo lo concerniente al delito de falsificacion de las patentes, quedará sujeto á las prescripciones del Código Penal del Distrito Federal y á las que establezcan los de Procedimientos rcspectivos.

Capítulo IX.

Art. 43. — Los expedientes sobre privilegios actualmente en curso, se tramitarán y decidirán sujetándose en toda la sustanciacion que les falte, á las prescripciones de esta ley.

Art. 44. — Todos los que estén gozando de una patente actualmente en vigor, podrán acogerse á la proteccion de esta ley, en los períodos que marca, pagando previamente los derechos que ella señala.

Art. 45. — El Ejecutivo de la Union reglamentará la presente ley, pudiendo establecer, si lo estima conveniente, una oficina especial de patentes, anexa á la Secretaría de Fomento.

Art. 46. — Se deroga en todas sus partes la ley de 7 de Majo de 1832 y todas las demas disposiciones que se hubieren dictado sobre la materia."

J. A. Puebla, Diputado presidente. — Felipe Arellano, Senador presidente. — Juan de Dios Peza, Diputado secretario. — Guillermo de Landa y Escandon, Senador secretario."

"Por tanto, mando se imprima, publique, circule y se le dé el debido cumplimiento.

"Dado en el Palacio del Poder Ejecutivo de la Union, en México, á siete de Junio de mil ochocientos noventa. — Porfirio Diaz. — Al C. General Cárlos Pacheco, Secretario de Estado y del Despacho de Fomento, Colonizacion, Industria y Comercio."

Y lo comunico á vd. para su conocimiento y demas fines.

Libertad y Constitucion. México, Junio 7 de 1890.

Pacheco.

24.

ÉTATS-UNIS D'AMÉRIQUE.

Réglement pour prévenir les collisions en mer, du 19 août 1890, amendé par la loi du 28 mai 1894.

Proclamations of the President of the United States.

No. 5.

By the President of the United States of America.

A. Proclamation.

Whereas an Act of Congress entitled „An Act To adopt regulations for preventing collisions at sea", was approved August 19, 1890, the said Act being in the following words:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following regulations for preventing collisions at sea shall be followed by all public and private vessels of the United States upon the high seas and in all waters connected therewith, navigable by sea-going vessels.

Preliminary.

In the following rules every steam-vessel which is under sail and not under steam is to be considered a sailing-vessel, and every vessel under steam, whether under sail or not, is to be considered a steam-vessel.

The word „steam-vessel" shall include any vessel propelled by machinery.

A vessel is „under way" within the meaning of these rules when she is not at anchor, or made fast to the shore, or aground.

Rules Concerning Lights, and so Forth.

The word „visible" in these rules when applied to lights shall mean visible on a dark night with a clear atmosphere.

Art. 1. — The rules concerning lights shall be complied with in all weathers from sunset to sunrise, and during such time no other lights which may be mistaken for the prescribed lights shall be exhibited.

Art. 2. — A steam-vessel when under way shall carry — (*a*) On or in front of the foremast, or if a vessel without a foremast, then in the fore part of the vessel, at a height above the hull of not less than twenty feet, and if the breadth of the vessel exceeds twenty feet, then at a height above the hull not les than such breadth, so, however, that the light need not be carried at a greater height above the hull than forty feet, a bright white light, so constructed as to show an unbroken light over an arc of the horizon of twenty points of the compass, so fixed as to throw the light ten points on each side of the vessel, namely, from right ahead to two points abaft the beam on either side, and of such a character as to be visible at a distance of at least five miles.

(*b*) On the starboard side a green light so constructed as to show an unbroken light over an arc of the horizon of ten points of the compass, so fixed as to throw the light from right ahead to two points abaft the beam on the starboard side, and of such a character as to be visible at a distance of at least two miles.

(*c*) On the port side a red light so constructed as to show an unbroken light over an arc of the horizon of ten points of the compass, so fixed as to throw the light from right ahead to two points abaft the beam on the port side, and of such a character as to be visible at a distance of at least two miles.

(*d*) The said green and red side-lights shall be fitted with inboard screens projecting at least three feet forward from the light, so as to prevent these lights from being seen across the bow.

(*e*) A steam-vessel when under way may carry an additional white light similar in construction to the light mentioned in subdivision (*a*). These two lights shall be so placed in line with the keel that one shall be at least fifteen feet higher than the other, and in such a position with reference to each other that the lower light shall be forward of the upper one. The vertical distance between these lights shall be less than the horizontal distance.

Art. 3. — A steam-vessel when towing another vessel shall, in addition to her side-lights, carry two bright white lights in a vertical line one over the other, not less than six feet apart, and when towing more than one vessel shall carry an additional bright white light six feet above or below such light, if the length of the tow measuring from the stern of the towing vessel to the stern of the last vessel towed exceeds six hundred feet. Each of these lights shall be of the same construction and character, and shall be carried in the same position as the white light mentioned in article two (*a*), excepting the additional light, which may be carried at a height of not less than fourteen feet above the hull.

Such steam-vessel may carry a small white light abaft the funnel or aftermast for the vessel towed to steer by, but such light shall not be visible forward of the beam.

Art. 4. — (*a*) A vessel which from any accident is not under command shall carry at the same height as a white light mentioned in article two (*a*), where they can best be seen, and if a steam-vessel in lieu of that light, two red lights, in a vertical line one over the other, not less than six feet apart, and of such a character as to be visible all around the horizon at a distance of at least two miles; and shall by day carry in a vertical line one over the other, not less than six feet apart, where they can best be seen, two black balls or shapes, each two feet in diameter.

(*b*) A vessel employed in laying or in picking up a telegraph cable shall carry in the same position as the white light mentioned in article two (*a*), and if a steam-vessel in lieu of that light, three lights in a vertical line one over the other not less than six feet apart. The highest and lowest of these lights shall be red, and the middle light shall be white, and they shall be of such a character as to be visible all around the horizon, at a distance of a least two miles. By day she shall carry

in a vertical line, one over the other, not less than six feet apart, where they can best be seen, three shapes not less than two feet in diameter, of which the highest and lowest shall be globular in shape and red in color, and the middle one diamond in shape and white.

(*e*) The vessels referred to in this article, when not making way through the water, shall not carry the side-lights, but when making way shall carry them.

(*d*) The lights and shapes required to be shown by this article are to be taken by other vessels as signals that the vessel showing them is not under command and can not therefore get out of the way.

These signals are not signals of vessels in distress and requiring assistance. Such signals are contained in article thirty-one.

Art. 5. — A sailing vessel under way and any vessel being towed shall carry the same lights as are prescribed by article two for a steam-vessel under way, with the exception of the white lights mentioned therein, which they shall never carry.

Art. 6. — Whenever, as in the case of small vessels under way during bad weather, the green and red side-lights can not be fixed, these lights shall be kept at hand, lighted and ready for use; and shall, on the approach of or to other vessels, be exhibited on their respective sides in sufficient time to prevent collision, in such manner as to make them most visible, and so that the green light shall not be seen on the port side nor the red light on the starboard side, nor, if practicable, more than two points abaft the beam on their respective sides.

To make the use of these portable lights more certain and easy the lanterns containing them shall each be painted outside with the color of the light they respectively contain, and shall be provided with proper screens.

Art. 7. — Steam-vessels of less than forty, and vessels under oars or sails of less than twenty tons, gross tonnage, respectively, when under way, shall not be obliged to carry the lights mentioned in article two (*a*) (*b*) and (*c*), but if they do not carry them they shall be provided with the following lights:

First. Steam-vessels of less than forty tons shall carry —

(*a*) In the fore part of the vessel, or on or in front of the funnel, where it can best be seen, and at a height above the gunwale of not less than nine feet, a bright white light constructed and fixed as prescribedi n article two (*a*), and of such a character as to be visible at a distance of at least two miles.

(*b*) Green and red side-lights constructed and fixed as prescribed in article two (*b*) and (*c*), and of such a character as to be visible at a distance of at least one mile, or a combined lantern showing a green light and a red light from right ahead to two points abaft the beam on their respective sides. Such lantern shall be carried not less than three feet below the white light.

Second. Small steam-boats, such as are carried by sea-going vessels, may carry the white light at a less height than nine feet above the gun-

wale, but it shall be carried above the combined lantern mentioned in subdivision one (*b*).

Third. Vessels under oars or sails, of less than twenty tons, shall have ready at hand a lantern with a green glass on one side and a red glass on the other, which, on the approach of or to other vessels, shall be exhibited in sufficient time to prevent collision, so that the green light shall not be seen on the port side nor the red light on the starboard side.

The vessels referred to in this article shall not be obliged to carry the lights prescribed by article four (*a*) and article eleven, last paragraph.

Art. 8. — Pilot vessels when engaged on their station on pilotage duty shall not show the lights required for other vessels, but shall carry a white light at the masthead, visible all around the horizon, and shall also exhibit a flare-up light or flare-up lights at short intervals, which shall never exceed fifteen minutes.

On the near approach of or to other vessels they shall have their side-lights lighted, ready for use, and shall flash or show them at short intervals, to indicate the direction in which they are heading, but the green light shall not be shown on the port side, nor the red light on the starboard side.

A pilot-vessel of such a class as to be obliged to go alongside of a vessel to put a pilot on board may show the white light instead of carrying it at the masthead, and may, instead of the colored lights above mentioned, have at hand, ready for use, a lantern with a green glass on the one side and a red glass on the other, to be used as prescribed above.

Pilot-vessels when not engaged on their station on pilotage duty shall carry lights similar to those of other vessels of their tonnage.

Art. 9. — Fishing vessels and fishing boats when under way and when not required by this article to carry or show the lights therein named shall carry or show the lights prescribed for vessels of their tonnage under way.

(*a*) Vessels and boats, when fishing with drift nets, shall exhibit two white lights from any part of the vessel where they can best be seen. Such lights shall be placed so that the vertical distance between them shall be not less than six feet and not more than ten feet, and so that the horizontal distance between them, measured in a line with the keel, shall be not less than five feet and not more than ten feet. The lower of these two lights shall be the more forward, and both of them shall be of such a character as to show all around the horizon, and to be visible at a distance of not less than three miles.

(*b*) Vessels, when engaged in trawling, by which is meant the dragging of an apparatus along the bottom of the sea —

First. If steam-vessels, shall carry in the same position as the white light mentioned in article two (*a*) a tricolored lantern so constructed and fixed as to show a white light from right ahead to two points on each bow, and a green light and a red light over an arc of the horizon from two points on either bow to two pointsabaft the beam on the starboard and port sides, respectively; and, not less than six nor more than twelve feet

below the tricolored lantern, a white light in a lantern, so constructed as to show a clear, uniform, and unbroken light all around the horizon.

Second. If sailing vessels, of seven tons gross tonnage and upwards, shall carry a white light in a lantern, so constructed as to show a clear, uniform, and unbroken light all around the horizon, and shall also be provided with a sufficient supply of red pyrotechnic lights, which shall each burn for at least thirty seconds, and shall be shown on the approach of or to other vessels in sufficient time to prevent collision.

In the Mediterranean Sea the vessels referred to in subdivision (*b*) two may use a flare-up light in lieu of a pyrotechnic light.

All lights mentioned in subdivision (*b*) one and two shall be visible at a distance of at least two miles.

Third. If sailing vessels of less than seven tons gross tonnage, shall not be obliged to carry the white light mentioned in subdivision (*b*) two of this article, but if they do not carry such light they shall have at hand, ready for use, a lantern showing a bright white light, which shall, on the approach of or to other vessels, be exhibited where it can best be seen, in sufficient time to prevent collision; and they shall also show a red pyrotechnic light, as prescribed in subdivision (*b*) two, or in lieu thereof a flare-up light.

(*c*) Vessels and boats when line-fishing with their lines out and attached to their lines, and when not at anchor or stationary, shall carry the same lights as vessels fishing with drift-nets.

(*d*) Fishing vessels and fishing boats may at any time use a flare-up light in addition to the lights which they are by this article required to carry and show. All flare-up lights exhibited by a vessel when trawling or fishing with any kind of drag-net shall be shown at the after part of the vessel, excepting that if the vessel is hanging by the stern to her fishing gear, they shall be exhibited from the bow.

(*e*) Every fishing vessel and every boat when at anchor shall exhibit a white light visible all around the horizon at a distance of at least one mile.

(*f*) If a vessel or boat when fishing becomes stationary in consequence of her gear getting fast to a rock or other obstruction she shall show the light and make the fogsignal prescribed for a vessel at anchor, respectively. (See article fifteen (*d*) (*e*) and last paragraph.)

(*g*) In fog, mist, falling snow, or heavy rain-storms drift-net vessels attached to their nets, and vessels when trawling, dredging, or fishing with any kind of drag-net, and vessels line-fishing with their lines out shall, if of twenty tons gross tonnage or upwards, respectively, at intervals of not more than one minute make a blast; if steam-vessels with the whistle or siren, and if sailing-vessels with the fog-horn, each blast to be followed by ringing the bell.

(*h*) Sailing vessels or boats fishing with nets or lines or trawls, when under way, shall in day-time indicate their occupation to an approaching vessel by displaying a basket or other efficient signal, where it can best be seen.

The vessels referred to in this article shall not be obliged to carry the lights prescribed by article four (*a*) and article eleven, last paragraph.

Art. 10. — A vessel which is being overtaken by another shall show from her stern to such last-mentioned vessel a white light or a flare-up light.

The white light required to be shown by this article may be fixed and carried in a lantern, but in such case the lantern shall be so constructed, fitted, and screened that it shall throw an unbroken light over an arc of the horizon of twelve points of the compass, namely, for six points from right aft on each side of the vessel, so as to be visible at a distance of at least one mile. Such light shall be carried as nearly as practicable on the same level as the side-lights.

Art. 11. — A vessel under one hundred and fifty feet in length, when at anchor, shall carry forward, where it can best be seen, but at a height not exceeding twenty feet above the hull, a white light in a lantern so constructed as to show a clear, uniform, and unbroken light visible all around the horizon at a distance of least one mile.

A vessel of one hundred and fifty feet or upwards in length, when at anchor, shall carry in the forward part of the vessel, at a height of not less than twenty and not exceeding forty feet above the hull, one such light, and at or near the stern of the vessel, and at such a height that it shall be not less than fifteen feet lower than the forward light, another such light.

The length of a vessel shall be deemed to be the length appearing in her certificate of registry.

A vessel aground in or near a fair-way shall carry the above light or lights and the two red lights prescribed by article four (*a*).

Art. 12. — Every vessel may, if necessary in order to attract attention, in addition to the lights which she is by these rules required to carry, show a flare-up light or use any detonating signal that can not be mistaken for a distress signal.

Art. 13. — Nothing in these rules shall interfere with the operation of any special rules made by the Government of any nation with respect to additional station and signal-lights for two or more ships of war or for vessels sailing under convoy, or with the exhibition of recognition signals adopted by ship-owners, which have been authorized by their respective Governments and duly registered and published.

Art. 14. — A steam-vessel proceeding under sail only but having her funnel up, shall carry in day-time, forward, where it can best be seen, one black ball or shape to feet in diameter.

Sound signals for fog, and so forth.

Art. 15. — All signals prescribed by this article for vessels under way shall be given:

1. By „steam-vessels" on the whistle or siren.
2. By „sailing vessels and vessels towed" on the fog-horn.

The words „prolonged blast" used in this article shall mean a blast of from four to six seconds' duration.

A steam-vessel shall be provided with an efficient whistle or siren, sounded by steam or by some substitute for steam, so placed that the sound may not be intercepted by any obstruction, and with an efficient fog-horn, to be sounded by mechanical means, and also with an efficient bell. [In all cases where the rules require a bell to be used a drum may be substituted on board Turkish vessels, or a gong where such articles are used on board small sea-going vessels.] A sailing vessel of twenty tons gross tonnage or upward shall be provided with a similar fog-horn and bell.

In fog, mist, falling snow, or heavy rainstorms, whether by day or night, the signals described in this article shall be used as follows, viz:

(*a*) A steam-vessel having way upon her shall sound, at intervals of not more than two minutes, a prolonged blast.

(*b*) A steam-vessel under way, but stopped, and having no way upon her, shall sound, at intervals of not more than two minutes, two prolonged blasts, with an interval of about one second between them.

(*c*) A sailing vessel under way shall sound, at intervals of not more than one minute, when on the starboard tack one blast, when on the port tack two blasts in succession, and when with the wind abaft the beam three blasts in succession.

(*d*) A vessel when at anchor shall, at intervals of not more than one minute, ring the bell rapidly for about five seconds.

(*e*) A vessel at anchor at sea, when not in ordinary anchorage ground, and when in such a position as to be an obstruction to vessels under way, shall sound, if a steam-vessel, at intervals of not more than two minutes, two prolonged blasts with her whistle or siren, followed by ringing her bell; or, if a sailing-vessel, at intervals of not more than one minute, two blasts with her fog-horn, followed by ringing her bell.

(*f*) A vessel when towing shall, instead of the signals prescribed in subdivisions (*a*) and (*c*) of this article at intervals of not more than two minutes, sound three blasts in succession, namely, one prolonged blast followed by two short blasts. A vessel towed may give this signal and she shall not give any other.

(*g*) A steam-vessel wishing to indicate to another "The way is off my vessel, you may feel your way past me," may sound three blasts in succession, namely, short, long, short, with intervals of about one second between them.

(*h*) A vessel employed in laying or picking up a telegraph cable shall, on hearing the fog-signal of an approaching vessel, sound in answer three prolonged blasts in succession.

(*i*) A vessel under way, which is unable to get out of the way of an approaching vessel through being not under command, or unable to maneuver as required by these rules, shall, on hearing the fog-signal of an approaching vessel, sound in answer four short blasts in succession.

Sailing vessels and boats of less than twenty tons gross tonnage shall not be obliged to give the above-mentioned signals, but, if they do not, they shall make some other efficient sound-signal at intervals of not more than one minute.

Speed of ships to be moderate in fog, and so forth.

Art. 16. — Every vessel shall, in a fog, mist, falling snow, or heavy rain-storms, go at a moderate speed, having careful regard to the existing circumstances and conditions.

A steam vessel hearing, apparently forward of her beam, the fog-signal of a vessel the position of which is not ascertained shall, so far as the circumstances of the case admit, stop her engines, and then navigate with caution until danger of collision is over.

Steering and Sailing Rules.

Preliminary—Risk of Collision.

Risk of collision can, when circumstances permit, be ascertained by carefully watching the compass bearing of an approaching vessel. If the bearing does not appreciably change, such risk should be deemed to exist.

Art. 17. — When two sailing vessels are approaching one another, so as to involve risk of collision, one of them shall keep out of the way of the other, as follows, namely:

(*a*) A vessel which is running free shall keep out of the way of a vessel which is close-hauled.

(*b*) A vessel which is close-hauled on the port tack shall keep out of the way of a vessel which is close-hauled on the starboard tack.

(*c*) When both are running free, with the wind on different sides, the vessel which has the wind on the port side shall keep out of the way of the other.

(*d*) When both are running free, with the wind on the same side, the vessel which is to the windward shall keep out of the way of the vessel which is to leeward.

(*e*) A vessel which has the wind aft shall keep out of the way of the other vessel.

Art. 18. — When two steam-vessels are meeting end on, or nearly end on, so as to involve risk of collision, each shall alter her course to starboard, so that each may pass on the port side of the other.

This article only applies to cases where vessels are meeting end on, or nearly end on, in such a manner as to involve risk of collision, and does not apply to two vessels which must, if both keep on their respective courses, pass clear of each other.

The only cases to which it does apply are when each of the two vessels is end on, or nearly end on, to the other; in other words, to cases in which, by day, each vessel sees the masts of the other in a line,

with her own; and by night, to cases in which each vessel is in such a position as to see both the side-lights of the other.

It does not apply by day to cases in which a vessel sees another ahead crossing her own course; or by night, to cases where the red light of one vessel is opposed to the red light of the other, or where the green light of one vessel is opposed to the green light of the other, or where a red light without a green light, or a green light without a red light, is seen ahead, or where both green and red lights are seen anywhere but ahead.

Art. 19. — When two steam-vessels are crossing, so as to involve risk of collision, the vessel which has the other on her own starboard side shall keep out of the way of the other.

Art. 20. — When a steam-vessel and a sailing vessel are proceeding in such directions as to involve risk of collision, the steam-vessel shall keep out of the way of the sailing-vessel.

Art. 21. — Where by any of these rules one of two vessels is to keep out of the way, the other shall keep her course and speed.

Art. 22. — Every vessel which is directed by these rules to keep out of the way of another vessel shall, if the circumstances of the case admit, avoid crossing ahead of the other.

Art. 23. — Every steam-vessel which is directed by these rules to keep out of the way of another vessel shall, on approaching her, if necessary, slacken her speed or stop or reverse.

Art. 24. — Notwithstanding anything contained in these rules every vessel, overtaking any other, shall keep out of the way of the overtaken vessel.

Every vessel coming up with another vessel from any direction more than two points abaft her beam, that is, in such a position, with reference to the vessel which she is overtaking that at night she would be unable to see either of that vessel's side-lights, shall be deemed to be an overtaking vessel; and no subsequent alteration of the bearing between the two vessels shall make the overtaking vessel a crossing vessel within the meaning of these rules, or relieve her of the duty of keeping clear of the overtaken vessel until she is finally past and clear.

As by day the overtaking vessel can not always know with certainty whether she is forward of or abaft this direction from the other vessel she should, if in doubt, assume that she is an overtaking vessel and keep out of the way.

Art. 25. — In narrow channels every steam-vessel shall, when it is safe and practicable, keep to that side of the fair-way or mid-channel which lies on the starboard side of such vessel.

Art. 26. — Sailing vessels under way shall keep out of the way of sailing vessels or boats fishing with nets, or trawls. This rule shall not give to any vessel or boat engaged in fishing the right of obstructing a fair-way used by vessels other than fishing vessels or boats.

Art. 27. — In obeying and construing these rules due regard shall be had to all dangers of navigation and collision, and to any special circum-

stances which may render a departure from the above rules necessary in order to avoid immediate danger.

Sound-signals for vessels in sight of one another.

Art. 28. — The words „short blast" used in this article shall mean a blast of about one second's duration.

When vessels are in sight of one another, a steam-vessel under way, in taking any course authorized or required by these rules, shall indicate that course by the following signals on her whistle or siren, namely:

One short blast to mean, „I am directing my course to starboard".

Two short blasts to mean, „I am directing my course to port".

Three short blasts to mean, „My engines are going at full speed astern".

No vessel, under any circumstances, to neglect proper Precautions.

Art. 29. — Nothing in these rules shall exonerate any vessel or the owner or master or crew thereof, from the consequences of any neglect to carry lights or signals, or of any neglect to keep a proper look-out, or of the neglect of any precaution which may be required by the ordinary practice of seamen, or by the special circumstances of the case.

Reservation of rules for harbors and Inland Navigation.

Art. 30. — Nothing in these rules shall interfere with the operation of a special rule, duly made by local authority, relative to the navigation of any harbor, river, or inland waters.

Distress signals.

Art. 31. — When a vessel is in distress and requires assistance from other vessels or from the shore, the following shall be the signals to be used or displayed by her, either together or separately, namely:

In the day time —

First. A gun fired at intervals of about a minute;

Second. The International Code signal of distress indicated by N. C;

Third. The distance signal, consisting of a square flag, having either above or below it a ball or anything resembling a ball;

Fourth. Rockets or shells as prescribed below for use at night;

Fifth. A continuous sounding with any fog-signal apparatus.

At night —

One. A gun fired at intervals of about a minute;

Two. Flames on the vessel (as from a burning tar-barrel, oil-barrel, and so forth);

Three. Rockets or shells, bursting in the air with a loud report and throwing stars of any color or description, fired one at a time at short intervals;

Four. A continuous sounding with any fog-signal apparatus.

Sec. 2. That all laws or parts of laws inconsistent with the foregoing regulations for preventing collisions at sea for the navigation of all public and private vessels of the United States upon the high seas, and in all waters connected therewith navigable by sea-going vessels, are hereby repealed.

Sec. 3. That this act shall take effect at a time to be fixed by the President by proclamation issued for that purpose.

And whereas, an Act of Congress entitled "An Act To amend an Act approved August nineteenth, eighteen hundred and ninety, entitled 'An Act to adopt regulations for preventing collisions at sea,'" was approved May 28, 1894, the said Act being in the following words:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That article seven of the Act approved August nineteenth, eighteen hundred and ninety, entitled "An Act to adopt regulations for preventing collisions at sea," be amended to read as follows:

"Art. 7. — Steam vessels of less than forty, and vessels under oars or sails of less than twenty tons gross tonnage, respectively, and rowing boats, when under way, shall not be required to carry the light mentioned in article two (*a*), (*b*), and (*c*), but if they do not carry them they shall be provided with the following lights:

"First. Steam vessels of less than forty tons shall carry—

"(*a*) In the fore part of the vessel, or on or in front of the funnel, where it can best be seen, and at a height above the gunwale of not less than nine feet, a bright white light constructed and fixed as prescribed in article two (*a*), and of such a character as to be visible at a distance of at least two miles.

"(*b*) Green and red side-lights constructed and fixed as prescribed in article two (*b*) and (*c*), and of such a character as to be visible at a distance of at least one mile, or a combined lantern showing a green light and a red light from right ahead to two points abaft the beam on their respective sides. Such lanterns shall be carried not less than three feet below the white light.

"Second. Small steamboats, such as are carried by seagoing vessels, may carry the white light at a less height than nine feet above the gunwale, but it shall be carried above the combined lantern mentioned in subdivision one (*b*).

"Third. Vessels under oars or sails of less than twenty tons shall have ready at hand a lantern with a green glass on one side and a red glass on the other, which, on the approach of or to other vessels, shall be exhibited in sufficient time to prevent collision, so that the green light shall not be seen on the port side nor the red light on the starboard side.

„Fourth. Rowing boats, whether under oars or sail, shall have ready at hand a lantern showing a white light which shall be temporarily exhibited in sufficient time to prevent collision.

„The vessels referred to in this article shall not be obliged to carry the lights prescribed by article four (*a*) and article eleven, last paragraph".

That article nine be hereby repealed.

That article twenty-one be amended to read as follows:

„Article twenty-one. Where, by any of these rules, one of two vessels is to keep out of the way the other shall keep her course and speed.

„Note. — When, in consequence of thick weather or other causes, such vessel finds herself so close that collision can not be avoided by the action of the giving-way vessel alone, she also shall take such action as will best aid to avert collision". (See articles twenty-seven and twenty-nine.)

That article thirty-one be amended to read as follows:

„Distress signals.

„Article thirty-one. When a vessel is in distress and requires assistance from other vessels or from the shore the following shall be the signals to be used or displayed by her, either together or separately, namely:

„In the daytime —

„First. A gun or other explosive signal fired at intervals of about a minute.

„Second. The international code signal of distress indicated by N C.

„Third. The distance signal, consisting of a square flag, having either above or below it a ball or anything resembling a ball.

„Fourth. A continuous sounding with any fog-signal apparatus.

„At night —

„First. A gun or other explosive signal fired at intervals of about a minute.

„Second. Flames on the vessel (as from a burning tar barrel, oil barrel, and so forth).

„Third. Rockets or shells throwing stars of any color or description, fired one at a time, at short intervals.

„Fourth. A continuous sounding with any fog-signal apparatus".

And whereas it is provided by section 3 of the Act approved August 19, 1890, that it shall take effect at a time to be fixed by the President by proclamation issued for that purpose;

Now, therefore, I, Grover Cleveland, President of the United States of America, do hereby, in virtue of the authority vested in me by Section 3 of the Act aforesaid, proclaim the first day of March, 1895, as the day on which the said Act approved August 19, 1890, as amended by the Act approved May 28, 1894, shall take effect.

In testimony whereof, I have hereunto set my hand and caused the seal of the United States of America to be affixed.

Done at the City of Washington, this thirteenth day of July one thousand eight hundred and ninety four and of the Independence of the United States the one hundred and nineteenth.

[SEAL.]

Grover Cleveland.

By the President:

W. Q. Gresham

Secretary of State.

An Act to amend an Act approved August nineteenth, eighteen hundred and ninety, entitled "An Act to adopt regulations for preventing collisions at sea".

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That article fifteen of the Act approved August nineteenth, eighteen hundred and ninety, entitled "An Act to adopt regulations for preventing collisions at sea," be amended to read as follows:

"Art. 15. — All signals prescribed by this article for vessels under way shall be given:

"First. By 'steam vessels' on the whistle or siren.

"Second. By 'sailing vessels' and 'vessels towed' on the fog horn.

"The words 'prolonged blast' used in this article shall mean a blast of from four to six seconds duration.

"A steam vessel shall be provided with an efficient whistle or siren, sounded by steam or by some substitute for steam, so placed that the sound may not be intercepted by any obstruction, and with an efficient fog horn, to be sounded by mechanical means, and also with an efficient bell. (In all cases where the rules require a bell to be used a drum may be substituted on board Turkish vessels, or a gong where such articles are used on board small seagoing vessels.) A sailing vessel of twenty tons gross tonnage or upward shall be provided with a similar fog horn and bell.

"In fog, mist, falling snow, or heavy rainstorms, whether by day or night, the signals described in this article shall be used as follows, namely:

"(a) A steam vessel having way upon her shall sound, at intervals of not more than two minutes, a prolonged blast.

"(b) A steam vessel under way, but stopped, and having no way upon her, shall sound, at intervals of not more than two minutes, two prolonged blasts, with an interval of about one second between.

"(c) A sailing vessel under way shall sound, at intervals of not more than one minute, when on the starboard tack, one blast; when on the port tack, two blasts in succession, and when with the wind abaft the beam, three blasts in succession.

"(d) A vessel when at anchor shall, at intervals of not more than one minute, ring the bell rapidly for about five seconds.

"(e) A vessel when towing, a vessel employed in laying or in picking up a telegraph cable, and a vessel under way, which is unable to get out of the way of an approaching vessel through being not under command, or unable to maneuver as required by the rules, shall, instead of the signals prescribed in subdivisions (a) and (c) of this article, at intervals of not more than two minutes, sound three blasts in succession, namely: One prolonged blast followed by two short blasts. A vessel towed may give this signal and she shall not give any other.

"Sailing vessels and boats of less than twenty tons gross tonnage shall not be obliged to give the above-mentioned signals, but, if they do

not, they shall make some other efficient sound signal at intervals of not more than one minute."

Sec. 2. That said Act of August nineteenth, eighteen hundred and ninety, as amended, shall take effect at a subsequent time to be fixed by the President by proclamation issued for that purpose.

Approved, June 10, 1896.

25.

PÉROU.

Règlement concernant l'admission des consuls étrangers; du 4 février 1891.

Publication officielle communiquée à la Rédaction du Recueil Martens par le Ministère des affaires étrangères de la République.

Remigio Morales Bermudez, Presidente constitucional de la República.

Considerando:

Que es necesario reglamentar la admisión de los funcionarios consulares extranjeros en la República;

Decreto:

Art. 1⁰. — Se admitirán Cónsules Generales, Cónsules, Vice-cónsules y Agentes consulares de las naciones extranjeras en los puntos de la República donde, á juicio del Supremo Gobierno, no oírezca inconveniente su establecimiento.

Art. 2⁰. — Para obtener la aprobación del Gobierno, se presentará la patente ó título que acredita el nombramiento del funcionario consular:

I. Por conducto de la respectiva Legacion ó Consulado residente en Lima;

II. Por la mediación de algun representante del Perú en el extranjero;

III. En su defecto, directamente, recurriendo el interesado al Ministerio de Relaciones Exteriores.

Art. 3⁰. — No presentando inconveniente la patente, se indagará si la persona nombrada tiene alguna tacha que se oponga al ejercicio del cargo Consular en el Perú; y al efecto, se dispondrá que informe el Prefecto del Departamento respectivo.

Art. 4⁰. — Este informe se recabará de la Legacion de la República cerca del Gobierno que ha nombrado al Cónsul, si este no tuviere residencia en el Perú.

Art. 5⁰. — Se dispensará la información prévia, si no existe sospecha ó fundado motivo, que mueva á hacer lo contrario, en los casos siguientes:

I. Cuando el nombramiento del funcionario consular constituye solo traslacion de un punto á otro de la República;

II. Cuando la persona nombrada para ejercer el cargo consular de un país se halle desempeñando igual cargo de otro;

III. Cuando se trate de funcionarios enviados que pertenezcan á la carrera consular del Estado que los nombra.

Art. 6º. — No teniendo tacha la persona nombrada, el Supremo Gobierno le concederá su aprobación, con exequatur, si hubiese sido acreditado con patente firmada por el Jefe del Estado, y con autorización del Ministerio de Relaciones Exteriores dada en nombre del Presidente de la República, cuando el título fuese de nombramiento expedido por otro Ministro de Relaciones Exteriores, por Jefe de Legación ó por Cónsul debidamente autorizado.

Art. 7º. — El exequatur para los Cónsules y Vice-cónsules, aunque sean ciudanos extranjeros, no residentes en el país, se expedirá, entendiéndose que, en el caso de ejercer el interesado alguna operacion de comercio ó industria, será tratado, por lo que á ella respecta, como cualquiera otro comerciante ó industrial extranjero sin distincion alguna.

Art. 8º. — Todo Vice-cónsul y Agente consular destinado en la misma residencia del Cónsul, se entiende sujeto á la limitación de que solo podrá ejercer este cargo, cuando se halle ausente, enfermo ó impedido el Cónsul propietario; y mientras no llegue este caso, no gozará de las prerogativas y libertades que pueden corresponder al ejercicio del empleo.

Art. 9º. — En el exequatur para los Cónsules y Vice-cónsules que sean ciudadanos peruanos ó súbditos extranjeros residentes en el país, se entenderá que por razon del cargo no gozan de los privilegios consulares, sino en los casos y cosas pertenecientes á su empleo y á los asuntos en que intervienen por razon del mismo.

Art. 10. — En todo exequatur, cualquiera que sea la nacionalidad, gerarquía y destino del funcionario consular, se entenderá que éste se halla sujeto á las contribuciones del Estado ó del municipio, que no sean esencialmente personales.

Art. 11. — Tambien se entenderá que tales funcionarios no pueden ejercer acto alguno de jurisdicción; y que solo se les permite su interposición como árbitros, en las controversias que se ofreciesen entre comerciantes, capitanes y gente de mar, para conciliarlos ó avenirlos.

Art. 12. — La autorización que al Ministerio de Relaciones Exteriores compete conceder, se dará, entendiéndose que este cargo no les exime de contribuciones públicas y demas obligaciones á que están sujetos los particulares.

Art. 13. — Extendido el exequatur ó concedida la autorizacion para ejercer el cargo consular, se dará aviso á la Legacion, autoridad ó interesado que lo haya solicitado, devolviéndole la patente, remitiéndole el referido exequatur ó anunciándole la autorizacion, y dando conocimiento del hecho al Prefecto del Departamento respectivo.

Art. 14. — Los Cónsules y Vice-cónsules habilitados con el exequatur del Presidente de la República, no podrán entrar en el ejercicio de sus funciones sin haber exhibido antes ese documento al Prefecto del Departamento correspondiente. Este ordenará que se tome asiento del exequatur, y pondrá á su respaldo esta nota: "Cúmplase" (fecha y firma por entero) y lo devolverá al interesado.

La autorización será tambien registrada y anotada en la Prefectura,

cuando el funcionario consular haya de ejercer sus funciones en la capital del Departamento.

Art. 15. — Todo exequatur ó autorización será ademas registrado y anotado por la autoridad política local, cuando el cargo consular se ejerza fuera de la residencia del Prefecto del Departamento.

Art. 16. — Los Cónsules, Vice-cónsules ó Agentes consulares que se hallen en posesion de su cargo, quedarán suspensos de hecho en los casos siguientes:

I. Cuando la autoridad que los nombró comunique que los ha relevado de su empleo;

II. Cuando se completa el término de su comisión, si este fuese por tiempo limitado;

III. Cuando acepten empleo ó cargo permanente del Gobierno de la República;

IV. Cuando el Gobierno ó el Ministerio cancele el exequatur ó autorización.

Art. 17. — Estas disposiciones rigen en cuanto no se opongan á los tratados y convenciones vigentes con las naciones extranjeras.

Dado en el Palacio de Gobierno en Lima, á los cuatro días del mes de Febrero de mil ochocientos noventa y uno.

Remigio Morales Bermudez.

Alberto Elmore.

26.

RÉPUBLIQUE SUD-AFRICAINE.

Extrait de la loi du 22 août 1892 sur le tarif des Douanes et règlement sur le commerce de transit du 31 mars 1891.

Bulletin international des Douanes, juillet 1893.

Art. 1. — Toutes les marchandises importées de l'étranger sont soumises, sans préjudice des autres dispositions de la présente loi, à un droit d'entrée de $7^1/_2$ % ad valorem, calculé, pour la déclaration en douane et le payment desdits droits, sur la valeur courante des marchandises emballées et prêtes à être expédiées au lieu où elles ont été achetées ou obtenues par l'importateur pour ête importées dans la République Sud-Africaine.

Dans le cas où des marchandises seraient importées directement de pays, États ou colonies d'outre-mer, en dehors du sud de l'Afrique, la susdite valeur sera majorée de 20% pour la déclaration et le payment des droits de douane, à l'exception des articles ci-après, qui sont entièrement exempts de droits d'entrée, savoir:

a. Le bétail sur pied de toute espèce, à l'exception du bétail importé par les frontières nord et nord-ouest de la République autre que celui

provenant du Bechuanaland britannique ou appartenant à des tribus cafres qui ont des traités d'amitié et de libre commerce avec la République.

Est également exempt le bétail devant servir à la reproduction, importé par les frontières nord et nord-ouest de la République, pour l'usage des importateurs ou destiné à l'agriculture, à charge d'en fournir la preuve au receveur des douanes par une déclaration sous serment;

b. Les billets de banque ou autres monnaies fiduciaires et les pièces de monnaie, ayant cours légal dans la République;

c. Les livres, la musique, les cartes, les fournitures d'école imprimées, les journaux, les brochures et les publications pérodiques;

d. Les produits de la chasse, importés de l'étranger par des citoyens de la République;

e. Les produits de l'État libre d'Orange et de la province de Mozambique, accompagnés d'un certificat d'origine délivré par un bailli, un juge de paix résident ou un consul;

f. Les véhicules à l'usage des personnes voyageant dans la République et en ressortant, ainsi que les moyens de transport à l'usage des personnes qui entrent avec leur matériel de ferme pour se fixer dans la République.

g. Les graines forestières et potagères et les graines de fleurs;

h. Les meubles et les outils ayant servi, des artisans et personnes venant se fixer dans la République.

Art. 2. — Les machines et les parties de machines de toute espèce seront soumises à un droit de $1^1/_2$ % de la valeur*).

Art. 3. — Indépendamment et en sus du droit général de $7^1/_2$% de la valeur, les articles suivants sont soumis aux droits spéciaux ci-après:

Nos.	Désignation des marchandises.		Droits. £	S.	D.
1	Imprimés de toute espèce, à l'exception de ceux mentionnés à l'article 1, § *c.*, ...	ad val.	100%		
2	Viande en boîtes de fer-blanc, non spécialement tarifée	id.	5%		
3	Bijouterie, orfèvrerie d'or et d'argent	id.	$12^1/_2$%		
4	Fusils et pistolets	par canon	0	10	0
5	Cartouches chargées pour fusils se chargeant par la culasse	mille	0	5	0
6	Poudre à tirer	livre	0	0	6
7	Dynamite et autres explosifs	id.	0	0	3
8	Plomb	id.	0	0	3
9	Plomb de chasse	id.	0	0	3
10	Tabac non manufacturé	id.	0	2	6
11	— manufacturé, à priser	id.	0	2	6
12	Beurre, beurrine, margarine et beurre fondu *(ghee)*	100 livres	0	5	0
13	Fromage	id.	0	5	0

*) Pour les articles compris sous la rubrique Machines et parties de machines, voir l'annexe A.

Nos.	Désignation des marchandises.		Droits. £	S.	D.
14	Chicorée*)	100 livres	0	7	6
15	Café	id.	0	2	6
16	Thé	id.	0	2	6
17	Avoine, en bottes ou en balles	id.	0	5	0
18	Orge, avoine en grains et malt	id.	0	5	0
19	Pâtisseries, biscuits, pain d'épices, en boîtes de fer-blanc ou non	id.	1	0	0
20	Maïs et sorgho	id.	0	2	6
21	Farine et blé	id.	0	7	6
22	Viande de porc, saindoux, jambon, lard et saucissons	id.	4	10	0
23	Œufs	douzaine	0	0	6
24	Riz et pois d'Angole *(dholl)*	100 livres	0	1	6
25	Sucre	id.	0	3	6
26	Fruits et légumes conservés ou séchés, confiseries, confitures et *jams*	id.	1	5	0
27	Fruits et légumes frais	id.	1	5	0
28	Savon dur ordinaire pour usage domestique et savon mou	id.	0	5	0
29	— parfumé, savon de toilette et autres de toute espèce	id.	0	10	0
30	Charbon de terre	id.	0	7	6
31	Coke	id.	0	5	0
32	Ciment	id.	0	5	0
33	Bière	gallon	0	3	0
34	Boissons et liquides distillés de toute espèce, provenant des États et colonies limitrophes, titrant de 11 à 50 degrés à l'alcoomètre de Tralles, y compris le vin**)	id.	0	6	0
35	Id. id., additionnés de sucre ou aromatisés, et cordiaux	id.	0	6	0
36	Boissons et liquides distillés importés d'un pays d'outre-mer, n'étant pas un produit de l'Afrique du Sud et titrant de 11 à 50 degrés à l'alcoomètre de Tralles	id.	0	10	0
37	Id. id., additionnés de sucre ou aromatisés, et cordiaux	id.	0	10	0
38	Boissons et liquides distillés de toute provenance titrant plus de 50 degrés	id.	1	0	0
39	Champagne et vins mousseux	id.	0	10	0
40	Vinaigre	id.	0	3	0
41	Cigares	le cent	0	15	0

*) Les marchandises composées d'un mélange de plusieurs produits payeront le droit du produit le plus imposé entrant dans la composition.

**) Dans tous les cas où les droits sont établis par gallon, 6 bouteilles appelées quarts ou 12 bouteilles appelées pint-bottels seront considérées comme équivalant à 1 gallon.

Nos.	Désignation des marchandises.		Droits. £	S.	D.
42	Pics cafres	pièce	0	1	0
43	Verroterie, perles fausses pour l'usage des cafres	livre	0	1	0
44	Fil de cuivre	id.	0	0	6
45	Uniformes et livrées, pantalons, vestes ou redingotes	pièce	0	1	6
46	Gros bétail, non exempt aux termes de l'article 1, § *a*	tête	0	10	0
47	Petit bétail, non exempt aux termes de l'article 1, § *a*	id.	0	1	0

Art. 4. — L'importation des fusils, pistolets, revolvers, munitions, ainsi que de la dynamite et autres matières explosibles ne peut avoir lieu sans permission du Secrétaire d'État. Les droits de timbre pour ces autorisations s'élèvent à 5 shillings.

L'autorisation peut être refusée sans qu'il y ait lieu d'en indiquer le motif.

Art. 5. — Nul ne pourra introduire des marchandises dans la République par d'autres douanes que celles indiquées par le Président de l'État dans le Journal officiel; il n'est fait exception à cette règle que pour les particuliers domiciliés dans la République qui importent des marchandises pour leur usage personnel et non pour les vendre ou dans un but commercial. Il sera également défendu de transporter des marchandises sans autorisation, à moins que la lettre de voiture n'ait été revêtue du timbre, conformément au règlement.

Les contrevenants à la présente disposition encourront une amende de 50 £ au minimum, et en cas de suspicion de fraude, les articles seront confisqués.

Art. 6. — Les conducteurs et tous les importateurs de marchandises ne pourront les débarquer ou faire débarquer qu'après avoir présenté leurs lettres de voiture et qu'après en avoir obtenu l'autorisation du receveur des douanes, et on ne pourra prendre livraison de ces marchandises qu'après s'être fait présenter ladite autorisation.

Pour toute autorisation enregistrée relative à des articles déclarés exempts de droits d'entrée par la loi, qui seraient importés par un des bureaux désignés, il sera perçu pour chaque 5000 livres ou partie de 5000 livres un droit de 5 shillings.

Si toutefois des commerçants ou autres personnes qui importent des marchandises résidaient à une grande distance du bureau du receveur, celui-ci pourra, avant l'arrivée des marchandises, délivrer l'autorisation requise à celui qui les reçoit.

Les personnes autres que les commerçants ou les conducteurs qui n'habitent pas dans des villages, et qui importeraient de petites quantités de marchandises destinées à leur usage personnel, ne seront pas tenues d'attendre l'autorisation du receveur avant de pouvoir les débarquer; mais elles seront obligées de l'en informer dans le délai d'une semaine. En cas d'infraction à la présente disposition, on encourra les peines prévues par l'article 53 *g*.

Les conducteurs ou toutes autres personnes ne pourront importer ni débarquer des marchandises avant le lever, ni après le coucher du soleil.

En cas d'infraction, il y aura lieu d'appliquer l'amende fixée ci-après.

Art. 7. — Quiconque transportera des marchandises à travers le pays devra fournir à la demande du receveur, du bailli, du veldkornet, du juge de paix, d'un employé de la police ou de toute autre personne autorisée à agir en leur nom, la preuve que les droits d'entrée ont déjà été acquittés ou qu'ils seront payés au lieu de destination. Si cette preuve ne pouvait être fournie, on percevra les droits d'après le tarif et il y aura lieu d'appliquer les amendes conformément aux dispositions de la présente loi.

Art. 8. — Le payement de tous les droits d'entrée sur des marchandises importées dans la République ou passant en transit et la déclaration desdites marchandises devront se faire au bureau du receveur de la frontière. Le payement pourra également s'effectuer dans le plus proche bureau du bailli dans le district où les marchandises arriveront en premier lieu, ou bien dans le bureau du fonctionnaire spécialement placé par le Gouvernement dans un district pour y percevoir les droits d'entrée. Le destinataire pourra être dispensé du payement immédiat des droits moyennant garantie suffisante donnée à satisfaction de l'Inspecteur-Général (qui en informera incontinent le bailli du district où les marchandises devront arriver en premier lieu) que les droits d'entrée seront payés sans retard au lieu de débarquement; l'intéressé jouira de la même faveur s'il peut présenter le certificat visé par l'article 11.

En cas d'infraction à la présente disposition, il y aura lieu d'appliquer les amendes établies ci-après.

Art. 9. — Tout importateur devra produire la lettre de voiture et les factures. A défaut de ces documents il pourra présenter la quittance des marchandises achetées et importées par lui ou faire une déclaration sous serment avec tous les détails relatifs à la marchandise qu'il importe.

Il devra affirmer sous serment que le contenu desdites lettres de voiture, factures et quittances est conforme à la vérité et à la bonne foi et certifier également sous serment l'exactitude du prix courant des marchandises emballées et prêtes à être expédiées sur le marché où il les aura acquises ou achetées pour les importer dans la République.

Lorsque des marchandises auront été saisies ou retenues faute de payement des droits ou pour toute autre cause et qu'il existera des doutes sur le payement desdits droits ou sur la régularité de l'importation, la preuve du fait contesté incombera au propriétaire, à l'importateur, ou au destinataire des marchandises et non à l'employé qui les aura saisies ou retenues.

Art. 10. — Toute personne qui sera convaincue d'avoir fait une déclaration fausse et dans le but d'éluder la loi sur les droits d'importation encourra les amendes établies par l'article 53 *c*.

Art. 11. — Quiconque introduira ou fera passer en transit des marchandises pour son usage personnel, pour en faire le commerce lui-même ou pour les livrer à un commerçant, devra immédiatement après être entré dans l'État se rendre au plus proche bureau du receveur et faire la déclaration des marchandises qu'il aura importées, à moins qu'il ne puisse produire un certificat du receveur de son district, constatant qu'il effectuera le payement entre ses mains. Si la personne en question est

un conducteur les lettres de voiture seront présentées pour qu'il en soit pris copie et on pourra même exiger que leur exactitude soit affirmée sous serment.

En cas d'infraction à la présente disposition, les amendes ci-après seront appliquées.

Art. 12. — Tout conducteur ou toute autre personne qui aura fait une déclaration incomplète des marchandises importées pourra encourir les amendes prévues dans la présente loi.

Art. 13. — Les droits d'entrée sur les marchandises transportées par l'Administration des postes devront être payés au bureau de poste.

. . . . . .

Art. 14. — Les marchandises importées dans des voitures de poste ou tous autres moyens de transport ne peuvent être délivrées par les agents qui en opèrent la réception, que sur la présentation de l'autorisation du receveur. Si cette autorisation n'est pas produite elles devront être déposées dans l'entrepôt du gouvernement.

En cas d'infraction à cette disposition, il y aura lieu d'appliquer les amendes établies dans la présente loi.

Art. 15. — Les lettres de voiture devront mentionner d'une façon claire et lisible les marques, le nombre et le contenu des caisses, paquets, etc.

Art. 16. — Les factures devront porter l'indication exacte des prix, de la qualité et de la qualité des marchandises, ainsi que les marques des caisses et paquets, le lieu où les marchandises ont été achetées pour être directement embarquées et expédiées vers la République, etc.

Toute infraction sera punie des amendes établies ci-après et dans le cas où les factures auraient été falsifiées, l'amende sera du quintuple des droits et les marchandises seront confisquées.

Art. 17. — Les négociants, marchands, hôteliers, sociétés, fabricants, etc., exerçant un commerce dans le pays, devront tenir des livres et garder les lettres de voiture, factures et autres documents relatifs aux marchandises importées et vendues, afin qu'à toute réquisition ils puissent les présenter au receveur et que, le cas échéant, on puisse en effectuer la saisie.

Les contrevenants à la présente disposition seront punis conformément à la présente loi.

Art. 18. — Toute personne qui offrira en vente des marchandises, qui les transportera, les détiendra ou les aura portées sur ses livres prescrits à l'article précédent, devra, à la demande du receveur, fournir les preuves établissant l'origine des marchandises et indiquant la localité où les droits auront été payés. Les contrevenants à la présente disposition encourront les peines établies par la présente loi.

Art. 19. — Tout importateur sera pénalement responsable pour toute infraction à la présente loi, commise par une ou plusieurs personnes agissant en son nom et à sa place, sans préjudice de la responsabilité personnelle desdits mandataires.

Art. 20. — Les marchandises importées de l'étranger, qui auront été débarquées dans un endroit quelconque pour être expédiées dans un autre, devront être déposées dans l'entrepôt du gouvernement et, à défaut d'entrepôt, dans un endroit désigné par le receveur. Celui qui aura été autorisé

à faire ce dépôt temporaire restera responsable du payement des droits. Pour réembarquer les marchandises il faudra présenter l'autorisation du receveur.

Pour toutes les marchandises en entrepôt il sera dû, à la sortie de l'entrepôt, une taxe spéciale de 5 % sur les droits d'importation.

Art. 21. — Les cigares ne pourront être importés qu'en caisses de 25 ou d'un multiple de 25, mais n'excédant pas 500; les cigarettes ne seront admises qu'en boîtes ou paquets de 100 ou 500.

. . . . . .

Art. 24. — . . . . . .

Art. 23. — . . . . . Toute personne qui importera des cigares non contenus dans des caisses encourra l'amende fixée ci-après .

Art. 24. — . . . . . .

Art. 25. — Les marchandises susceptibles de corruption qui seraient gâtées au moment de leur importation seront exemptes du payement des droits mais le fait devra être porté à la connaissance du receveur immédiatement après la réception et lesdites marchandises devront être détruites en présence de ce fonctionnaire.

Art. 26. — Tout employé chargé de la perception des droits d'entrée pourra retenir et emmagasiner les marchandises qui n'auront pas immédiatement payé les droits et imposer au débiteur les frais d'emmagasinage et de conservation.

Art. 27. — Le droit de magasinage ne pourra pas excéder $1^1/_2$ penny par 100 livres et par jour, das les localités où il y aura un entrepôt du Gouvernement; dans les autres localités il ne pourra être supérieur à 5 shillings par 1000 livres et par jour, sans préjudice des salaires dus pour le déchargement, le chargement et l'emmagasinage.

Pour ce qui concerne ces derniers frais il ne pourra être exigé de somme supérieure au montant des dépenses qui auraient été réellement faites.

Art. 28. — L'employé chargé de la perception des droits d'entrée apportera les plus grands soins à la bonne conservation des marchandises; toutefois les intéressés n'auront pas le droit de réclamer des employés ou du Gouvernement l'indemnisation des dommages qu'auraient subis leurs marchandises.

Art. 29. — Lorsque les droits d'importation ainsi que les frais de conservation, etc., n'auront pas été payés dans le délai de 2 mois au bureau de l'employé chargé de la perception ou du bailli du district dans lequel l'intéressé est domicilié, si l'employé préposé à la garde des marchandises en a eu connaissance, les marchandises seront vendues publiquement aux frais et aux risques et périls de l'intéressé: le produit de la vente servira à couvrir le montant des droits et tous les frais, et l'excédent, s'il y en a, sera versé entre les mains du trésorier-général, jusqu'à ce que l'intéressé le réclame.

Pour éviter des frais inutiles il pourra, en cas de nécessité, être procédé à la vente publique immédiate, mais préalablement annoncée, des marchandises suivantes: 1° celles de peu de valeur, susceptibles de se corrompre; 2° celles dont la vente ne rapporterait pas de quoi couvrir le montant des droits et des autres frais; 3° celles qui auront été refusées

par le propriétaire ou par le destinataire; 4° celles dont le propriétaire a quitté le pays.

Il ne sera payé aucun intérêt sur le produit de cette vente.

Art. 30. — Le Gouvernement aura le droit d'établir lui-même des magasins ou entrepôts ou de conclure à cet effet des conventions avec des particuliers; il pourra de même publier des tarifs pour les frais de dépôt dans ces magasins à condition que le droit perçu sur une marchandise quelconque pour magasinage s'élève toujours au moins à 5% du montant des droits d'entrée.

Art. 31. — Le Gouvernement autorisera les commerçants et les marchands qui ne seraient pas en mesure de payer les droits d'importation au moment de l'entrée, à établir à leurs frais et sur leurs propriétés ou dans un local approuvé par le Gouvernement, des magasins ou entrepôts réels et appropriés pour y déposer les marchandises à leurs risques et périls jusqu'au moment où ils voudront employer, vendre ou expédier tout ou partie desdites marchandises; ils devront dans ce cas payer immédiatement les droits afférents à la quantité retirée.

Lesdits entrepôts seront pourvus de deux serrures avec des clefs différentes. L'une de celles-ci restera entre les mains de l'employé désigné à cet effet par le Gouvernement, l'autre sera laissée au commerçant ou marchand. Pour le payement des droits d'entrée il devra être fourni une garantie jugée suffisante par le Gouvernement. Si les marchandises ne sont pas retirées des entrepôts six mois après y avoir été déposées, les droits dus au Gouvernement devront être payés conformément à la loi. Les caisses, paquets, barils, etc., déposés dans un entrepôt privé ou public ne pourront être ouverts, pour en retirer une partie du contenu, sans le consentement du receveur.

Art. 32. — Pour garantir le payement des droits d'entrée sur des marchandises déposées dans un entrepôt privé, il faudra fournir deux cautions de 500 £ chacune; la garantie de ces cautions devra consister en propriétés immobilières.

Si on dépose dans l'entrepôt des marchandises dont le montant des droits est supérieur aux deux tiers ($^2/_3$) de la somme garantie par la caution, celle-ci devra être majorée en proportion.

Le Gouvernement aura toujours le droit de supprimer tout entrepôt privé dont le possesseur aura contrevenu à la loi.

Art. 33. — Les droits d'importation et les amendes encourues pourront être recouvrés avant toutes autres créances sur tous les biens du contribuable, et le Gouvernement aura un premier privilège sur tous les biens garantissant le payement des droits.

Art. 34. — Tout possesseur d'un entrepôt particulier aura le droit de faire ouvrir l'entrepôt une fois par semaine et sans frais, par le receveur; pour chaque fois de plus le receveur aura le droit de se faire payer, sans cependant pouvoir exiger plus d'un shilling.

L'inspecteur général des douanes est autorisé, si les circonstances l'exigent, à prolonger le temps pendant lequel les entrepôts seront ouverts.

L'ouverture des entrepôts privés et publics aura lieu, en été de 7 heures du matin à midi et de 2 heures à 5 heures du soir, en hiver de

8 heures du matin à 1 heure de relevée et de 2 heures à 4 heures du soir, excepté les dimanches et jours de fêtes religieuses ou légales.

Art. 35 à 40. — . . . . . .

Art. 41. — . . . . . .

Toute personne qui offrira ou donnera à un receveur ou à l'un de ses commis une récompense quelconque dans le but de frustrer le Trésor, sera punie d'une amende conformément aux dispositions de la présente loi.

Art. 42 à 46. — . . . . . .

Art. 47. — Les receveurs ou tous autres fonctionnaires chargés de surveiller la perception des droits d'entrée devront exiger de toute personne qu'ils trouveront dans leur ressort en possession de marchandises importées et destinées à d'autres personnes habitant dans le même ressort ou dans l'État, la présentation des lettres de voiture, des quittances ou autres documents indiquant la valeur des marchandises. En cas de refus ou s'ils constatent que ces documents n'ont pas été revêtus du timbre par le fonctionnaire désigné à cet effet par le Gouvernement, ils devront aussitôt faire conduire le conducteur ou le particulier en défaut devant le bailli du district auquel ils feront connaître la contravention; il ne sera fait exception à cette procédure que dans le cas où l'intéressé pourrait présenter le certificat visé à l'article 11. Dans le cas où la contravention se trouverait établie, le fonctionnaire sera récompensé conformément à la loi.

Art 48 à 50 *a*. — . . . . . .

Art. 51. — Tout receveur aura le droit d'entrer dans tout entrepôt ou dans tout bâtiment ou local où il soupçonnerait que des marchandises auraient pu être déposées, et de procéder à la visite des marchandises. Dans le cas où il découvrirait des objets qui n'auraient pas acquitté les droits, il pourra les saisir immédiatement et agir conformément à la loi. Le propriétaire de tel entrepôt sera responsable du fait et devra, sans délai fournir au receveur tous les renseignements nécessaires relativement aux marchandises découvertes.

Le receveur aura le droit de visiter les vêtements de quiconque serait soupçonné d'avoir éludé la loi. Pour les personnes du sexe féminin cette visite sera faite par une femme.

Art. 52. — . . . . . .

Art. 53. — Les infractions aux dispositions de la présente loi seront punies comme suit:

a. Quiconque aura éludé le payement de tout ou partie des droits, ou qui aura contrevenu aux articles 7, 13, 18 et 51 sera puni de la confiscation des marchandises et d'une amende s'élevant au quintuple des droits d'importation ou subsidiairement d'un emprisonnement de douze mois au maximum.

b. Le conducteur qui aura déchargé sans autorisation sera puni d'une amende de 3 à 50 livres sterlings ou subsidiairement d'un emprisonnement de un à trois mois.

Toute personne qui aura reçu des marchandises sans autorisation sera punie d'une amende de 5 à 500 livres sterlings ou subsidiairement d'un emprisonnement de trois à six mois.

c. Tout auteur de déclarations fausses ou faites dans le but d'induire

en erreur sera puni d'une amende de 5 à 500 livres sterlings ou subsidiairement d'un emprisonnement de trois à six mois.

d. . . . . . Toute personne qui aura contrevenu à l'article 23, sera punie de la confiscation des cigares et d'une amende de 5 à 50 livres sterlings suivant les circonstances ou subsidiairement d'un emprisonnement de un à six mois.

e. Quiconque aura entravé l'exercice des fonctions d'un receveur ou autre fonctionnaire chargé de la perception des droits, ou qui aura refusé à ces fonctionnaires l'entrée dans un entrepôt de marchandises dans les cas prévus par les règlements, sera puni d'une amende de 5 à 100 livres sterlings ou d'un emprisonnement (avec ou sans travail forcé), qui ne pourra dépasser six mois.

f. Tout contrevenant aux articles 5, 8, 11, 12, 14, 16, 17, 41 et 47 de la présente loi sera puni d'une amende de 15 à 500 livres sterlings ou subsidiairement d'un emprisonnement (avec ou sans travail forcé) de un à six mois.

g. Les contrevenants aux dispositions de la présente loi pour lesquelles il n'a pas été établi de peines spéciales seront condamnés à une amende de 3 à 50 livres sterlings ou subsidiairement à un emprisonnement (avec ou sans travail forcé) d'un mois au maximum.

Art. 54 et 55. — . . . . . .

Art. 56. — Toutes ces amendes seront appliquées sans préjudice, le cas échéant, des poursuites criminelles auxquelles pourraient donner lieu la fraude, l'omission, la négligence ou un refus.

Art. 57. — La présente loi sera sans effet quant aux traités qui auraient été ou pourraient être conclus avec des puissances étrangères.

Art. 58. — Le Président d'État pourra, moyennant avis conforme du Conseil exécutif, faire des règlements sur des points indiqués dans la présente loi ou sur des objets qui s'y rapporteraient, ou bien sur l'exécution même de la loi, chaque fois que ces règlements seront compatibles avec elle ou avec toute autre loi quelconque.

Art. 59. — Toute disposition contraire à la présente loi est abrogée.

Art. 60. — Les articles modifiés ou ajoutés dans la présente loi entreront en vigueur le 1er octobre 1892.

(S.) Dr. *W.-J. Leyds*,
Secrétaire d'État.

(S.) *S.-J.-P. Kruger*,
Président d'État.

Bureau du Gouvernement, Pretoria, le 22 août 1892.

Annexe A. — Liste des articles compris sous la rubrique Machines et parties de machines mentionnée à l'article 2 de la présente loi.

Toutes les machines servant à la production ou la transmission de la force motrice uniquement par voie mécanique ou par l'électricité;

Tout le matériel destiné uniquement au broyage et à la mouture des minerais, minéraux et produits agricoles;

Les pompes de toutes espèces employées exclusivement à des usages industriels et agricoles, à l'exception des pompes à bras;

Le matériel, les machines et matériaux de toute espèce destinés uniquement à l'extraction des métaux des minerais, au triage et au tamisage des métaux et des minerais, à la fabrication des produits chimiques ou des acides employés à l'extraction de l'or;

Les machines et le matériel employés exclusivement au transport et à l'extraction du minerai et des minéraux des mines, y compris les rails et wagons marchant uniquement sur des voies ferrées;

Les conduits et tuyaux en métal, en pierre ou en poterie employés exclusivement à amener l'eau aux mines ou à évacuer l'eau et les résidus des mines, ou employés pour l'agriculture ou la conduite d'eaux;

Les roues et le matériel employés à l'élévation et à l'évacuation de l'eau et des résidus de mines ou à d'autres usages industriels;

Les machines de forage et les machines à travailler le bois et le fer;

Le matériel nécessaire à l'éclairage électrique, y compris les câbles et fils de transmission et les lampes uniquement employées à l'éclairage électrique des voies publiques et des mines;

Les conduits, tuyaux et compteurs destinés au mesurage et à la conduite du gaz;

Les fils, instruments et appareils télégraphiques et téléphoniques;

Toutes les machines et parties de machines agricoles, industrielles et à l'usage des métiers, telles que les faucheuses et batteuses mécaniques, les machines à scier, les presses à imprimer, etc.;

Tous les accessoires, les parties, et les pièces de rechange des articles ci-dessus spécifiés;

Les vanneuses, les presses à paille et à laine et autres machines servant à préparer les marchandises et produits pour le commerce et l'expédition.

Le Conseil exécutif aura le droit d'étendre cette nomenclature.

Règlement sur le transit à travers la République Sud-Africaine.

I. — Extrait de l'arrêté du Président d'État du 30 juin 1885, modifié par le décret du Conseil Exécutif publié le 31 mars 1891.

1. Toutes les marchandises, quelle que soit leur provenance, pourront passer en transit à travers la République Sud-Africaine, vers tout autre pays, moyennant payement d'un droit de 3 % ad valorem.

2. Pour garantir l'observation des règles relatives au transit, il devra être fourni à un bailli de la République une caution jugée suffisante par celui-ci et par l'Inspecteur général; l'acte de cette caution devra être inscrit au bureau de l'enregistrement. La caution comportera deux personnes bien connues offrant à tout les points de vue des garanties suffisantes. L'acte devra être dressé conformément au modèle officiel.

3. Le montant de la somme cautionnée sera du quintuple des droits d'entrée qui auraient été perçus si les marchandises avaient été destinées à la République.

4. Le droit sera payé au bailli du district où habite celui qui transporte des marchandises en transit ou au point où la caution a été fournie. La quittance délivrée par le bailli devra être envoyée avec l'acte de caution à l'inspecteur général à Prétoria.

5. La valeur des marchandises devra être déclarée sous serment.

6. Si les dispositions ci-dessus ont été observées, le bailli (ou, dans le district où il n'y a pas de bailli, le fonctionnaire désigné à cet effet par le Gouvernement) auquel on a fourni la caution et payé les droits délivrera un certificat de transit qui indiquera les noms et domiciles de l'expéditeur et du destinataire, ainsi que la nature et les marques des marchandises.

7. Conformément à l'article 11 de la loi n° 3 de 1890; le certificat de transit (lettre de voiture) devra être présenté au receveur le plus proche et devra être revêtu par lui du timbre officiel.

8. Le certificat de transit servira de sauf-conduit pour les marchandises dans le territoire de la République et devra être présenté à chaque réquisition d'un bailli ou d'un receveur.

S'il existe des raisons suffisantes de croire que la loi a été éludée, tout bailli ou receveur aura le droit de faire ouvrir les caisses ou paquets.

9. Celui qui reçoit les marchandises devra faire mention de la réception sur le certificat ci-dessus qui sera contresigné en même temps par le bailli, le magistrat ou le juge de paix du district où les marchandises auront été débarquées.

Ensuite le certificat devra être envoyé à l'inspecteur général à Prétoria qui, après avoir vérifié si toutes les conditions sont réunies, le contresignera à son tour.

10. Lorsque les formalités dont il s'agit auront été observées, l'acte de caution sera restitué, moyennant requête à l'inspecteur général à Prétoria.

11. Si le certificat de réception visé par l'article 9 (n° 9) et la demande de restitution de l'acte de caution n'ont pas été envoyés dans les cinq mois à dater du jour où aura été délivré le certificat de transit, la garantie fournie sera acquise à l'État. Le Gouvernement pourra cependant, pour des raisons fondées, accorder des exceptions à cette règle.

II. — Décret du Conseil exécutif publié le 20 décembre 1891.

1. Les marchandises déposées dans des entrepôts publics ou privés de la République Sud-Africaine pourront, à dater de ce jour, être exportées avec toutes les faveurs et conformément à toutes les dispositions relatives au transit.

2. Le certificat sera délivré par le receveur sous le contrôle duquel les marchandises sont placées; il devra ensuite être visé par le fonctionnaire indiqué dans l'article 9 (n° 9) du règlement sur le transit, et par le fonctionnaire du même ordre, établi à la frontièreou près la frontière, ainsi qu'il sera déterminé plus exactement dans la suite.

27.

BELGIQUE, ESPAGNE, FRANCE, GUATEMALA, ITALIE, PAYS-BAS, PORTUGAL, SUISSE, TUNISIE.

Arrangement concernant l'enregistrement international des marques de fabrique ou de commerce, signé à Madrid le 14 avril 1891.

Moniteur belge, le 31 août 1892, No. 244.

Arrangement concernant l'enregistrement international des marques de fabrique ou de commerce, conclu entre la Belgique, l'Espagne, la France, le Guatémala, l'Italie, les Pays-Bas, le Portugal, la Suisse et la Tunisie.

Les soussignés, Plénipotentiaires des Gouvernements des Etats ci-dessus énumérés,

Vu l'article 15 de la Convention internationale du 20 mars 1883 *) pour la protection de la propriété industrielle,

Ont, d'un commun accord, et sous réserve de ratification, arrêté l'Arrangement suivant:

Art. 1. — Les sujets ou citoyens de chacun des Etats contractants pourront s'assurer, dans tous les autres Etats, la protection de leurs marques de fabrique ou de commerce acceptées au dépôt dans le pays d'origine, moyennant le dépôt des dites marques au Bureau international, à Berne, fait par l'entremise de l'Administration du dit pays d'origine.

Art. 2. — Sont assimilés aux sujets ou citoyens des Etats contractants les sujets ou citoyens des Etats n'ayant pas adhéré au présent Arrangement, qui satisfont aux conditions de l'article 3 de la Convention.

Art. 3. — Le Bureau international enregistrera immédiatement les marques déposées conformément à l'article 1er. Il notifiera cet enregistrement aux Etats contractants. Les marques enregistrées seront publiées dans un supplément au journal du Bureau international au moyen soit d'un dessin, soit d'une description présentée en langue française par le déposant.

En vue de la publicité à donner dans les divers Etats aux marques ainsi enregistrées, chaque Administration recevra gratuitement du Bureau international le nombre d'exemplaires de la susdite publication qu'il lui plaira de demander.

Art. 4. — A partir de l'enregistrement ainsi fait au Bureau international, la protection dans chacun des Etats contractants sere la même que si la marque y avait été directement déposée.

Art. 5. — Dans les pays où leur législation les y autorise, les Administrations auxquelles le Bureau international notifiera l'enregistrement

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*) V. **N. R. G.** 2e série X, 133.

d'une marque auront la faculté de déclarer que la protection ne peut être accordée à cette marque sur leur territoire.

Elles devront exercer cette faculté dans l'année de la notification prévue par l'article 3.

La dite déclaration ainsi notifiée au Bureau international sera par lui transmise sans délai à l'Administration du pays d'origine et au propriétaire de la marque. L'intéressé aura les mêmes moyens de recours que si la marque avait été par lui directement déposée dans le pays où la protection est refusée.

Art. 6. — La protection résultant de l'enregistrement au Bureau international durera vingt ans à partir de cet enregistrement, mais ne pourra être invoquée en faveur d'une marque qui ne jouirait plus de la protection légale dans le pays d'origine.

Art. 7. — L'enregistrement pourra toujours être renouvelé suivant les prescriptions des articles 1 et 3.

Six mois avant l'expiration du terme de protection, le Bureau international donnera un avis officieux à l'Administration du pays d'origine et au propriétaire de la marque.

Art. 8. — L'Administration du pays d'origine fixera à son gré et percevra à son profit une taxe qu'elle réclamera du propriétaire de la marque dont l'enregistrement international est demandé.

A cette taxe s'ajoutera un émolument international de cent francs, dont le produit annuel sera réparti par parts égales entre les Etats contractants par les soins du Bureau international, après déduction des frais communs nécessités par l'exécution de cet Arrangement.

Art. 9. — L'Administration du pays d'origine notifiera au Bureau international les annulations, radiations, renonciations, transmissions et autres changements qui se produiront dans la propriété de la marque.

Le Bureau international enregistrera ces changements, les notifiera aux Administrations contractantes et les publiera aussitôt dans son journal.

Art. 10. — Les Administrations régleront d'un commun accord les détails relatifs à l'exécution du présent Arrangement.

Art. 11. — Les Etats de l'Union pour la protection de la propriété industrielle qui n'ont pas pris part au présent Arrangement seront admis à y adhérer sur leur demande et dans la forme prescrite par l'article 16 de la convention du 20 mars 1883 pour la protection de la propriété industrielle.

Dès que le Bureau international sera informé qu'un Etat a adhéré au présent Arrangement, il adressera à l'Administration de cet Etat, conformément à l'article 3, une notification collective des marques qui, à ce moment, jouissent de la protection internationale.

Cette notification assurera, par elle-même, auxdites marques, le bénéfice des précédentes dispositions sur le territoire de l'Etat adhérent et fera courir le délai d'un an pendant lequel l'Administration intéressée peut faire la déclaration prévue par l'article 5.

Art. 12. — Le présent Arrangement sera ratifié, et les ratifications en seront échangées à Madrid dans le délai de six mois au plus tard.

Il entrera en vigueur un mois à partir de l'échange des ratifications, et aura la même force et durée que la Convention du 20 mars 1883.

En foi de quoi, les Plénipotentiaires des Etats ci-dessus énumérés ont signé le présent arrangement à Madrid, le quatorze avril mil huit cent quatre-vingt-onze.

Pour la Belgique	*Th. de Bounder de Melsbroeck.*
— l'Espagne	*S. Moret.*
— —	*Marqués de Aguilar.*
— —	*Enrique Calleja.*
— —	*Luis Mariano de Larra.*
— la France et la Tunisie	*P. Cambon.*
— le Guatémala	*J. Carrera.*
— l'Italie	*Maffei.*
— les Pays-Bas	*Gericke.*
— le Portugal	*Comte de Casal Ribeiro.*
— la Suisse	*Ch. E. Lardet.*
— —	*Morel.*

Protocole de Clôture.

Au moment de la signature de l'Arrangement concernant l'enregistrement international des marques de fabrique ou de commerce, conclu à la date de ce jour, les Plénipotentiaires des États qui ont adhéré au dit Arrangement sont convenus de ce qui suit:

Des doutes s'étant élévés au sujet de la portée de l'article 5, il est bien entendu que la faculté de refus que cet article laisse aux Administrations ne porte aucune atteinte aux dispositions de l'article 6 de la Convention du 20 mars 1883 et du paragraphe 4 du Protocole de clôture qui l'accompagne, ces dispositions étant applicables aux marques déposées au Bureau international comme elles l'ont été et le seront encore à celles déposées directement dans tous les pays contractants.

Le présent Protocole aura la même force et durée que l'arrangement auquel il se rapporte.

En foi de quoi, les Plénipotentiaires soussignés ont signé le présent Protocole de clôture, à Madrid, le quatorze avril mil huit cent quatre-vingt-onze.

Pour la Belgique	*Th. de Bounder de Melsbroeck.*
— l'Espagne	*S. Moret.*
— —	*Marqués de Aguilar.*
— —	*Enrique Calleja.*
— —	*Luis Mariano de Larra.*
— la France et la Tunisie	*P. Cambon.*
— le Guatémala	*J. Carrera.*
— l'Italie	*Maffei.*
— les Pays-Bas	*Gericke.*
— le Portugal	*Comte de Casal Ribeiro.*
— la Suisse	*Ch. E. Lardet.*
— —	*Morel.*

28.

BELGIQUE, BRÉSIL, ESPAGNE, ÉTATS-UNIS D'AMÉRIQUE, FRANCE, GUATÉMALA, ITALIE, NORVEGE, PAYS-BAS, PORTUGAL, SUEDE, SUISSE, TUNISIE.

Protocole déterminant l'interprétation et l'application de la convention du 20 mars 1883; signé à Madrid le 15 avril 1891.

Moniteur belge, le 31 août 1892, No. 244.

Protocole déterminant l'interprétation et l'application de la Convention du 20 mars 1883, conclu entre la Belgique, le Brésil, l'Espagne, les Etats-Unis d'Amerique, la France, le Guatémala, l'Italie, la Norvège, les Pays-Bas, le Portugal, la Suède, la Suisse et la Tunisie.

Les soussignés, Plénipotentiaires des Gouvernements ci-dessus énumérés,

Dans le but d'assurer l'interprétation et l'application uniformes de la Convention conclue à Paris le 20 mars 1883*) pour la constitution de l'Union pour la protection de la propriété industrielle,

Ont, d'un commun accord, et sous réserve de ratification, arrêté le Protocole suivant:

I. — Assimilation des étrangers.

Est assimilé aux sujets ou citoyens des Etats contractants le sujet ou citoyen d'un Etat ne faisant pas partie de l'Union qui est domicilié ou possède ses principaux établissements industriels ou commerciaux sur le territoire de l'un des Etats de l'Union.

II. — Pays d'outre-mer.

Relativement aux Etats de l'Union situés en Europe, sont considérés comme pays d'outre-mer (article 4) les pays extra-européens qui ne sont pas riverains de la Méditerranée.

III. — Indépendance réciproque des brevets délivrés dans divers États.

1. Lorsque, dans les délais fixés à l'article 4 de la Convention, une personne aura déposé dans plusieurs Etats de l'Union des demandes de brevets pour la même invention, les droits résultant des brevets ainsi demandés seront indépendants les uns des autres.

2. Ils seront également indépendants des droits résultant des brevets qui auraient été pris pour la même invention dans des pays non adhérents à l'Union.

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*) V. N. R. G. 2e série X. 133.

IV. — Interprétation du mot „exploiter".

Chaque pays pourra déterminer le sens dans lequel il y a lieu d'interpréter chez lui le terme exploiter, au point de vue de l'application de l'article 5 de la Convention.

V. — Marques de fabrique.

1. Les marques de fabrique municipales ou collectives seront protégées au même titre que les marques individuelles.

Le dépôt pourra en être effectué, et l'usurpation poursuivie, par toute autorité, association ou particulier intéressé.

2. Une marque de fabrique ne pourra tomber dans le domaine public dans l'un des Etats de l'Union, aussi longtemps qu'elle sera l'objet d'un droit privatif dans le pays d'origine.

VI. — Expositions internationales.

1. La protection temporaire prévue à l'article 2 de la Convention consiste dans un délai de priorité s'étendant au minimum jusqu'à six mois à partir de l'admission du produit à l'exposition, et pendant lequel l'exhibition, l'application ou l'emploi non autorisé par l'ayant droit, de l'invention, du dessin, du modèle ou de la marque ainsi protégés, ne pourront pas empêcher celui qui a obtenu la dite protection temporaire de faire valablement, dans le dit délai, la demande de brevet ou le dépôt nécessaire pour s'assurer la protection dans tout le territoire de l'Union.

Chaque Etat aura la faculté d'étendre le dit délai.

2. La susdite protection temporaire n'aura d'effet que si, pendant sa durée, il est présenté une demande de brevet ou fait un dépôt en vue d'assurer à l'objet auquel elle s'applique la protection définitive dans un des Etats contractants.

3. Les délais de priorité mentionnées à l'article 4 de la Convention s'ajoutent à la protection temporaire prévue par l'article 11.

4. Les inventions brevetables auxquelles la protection provisoire aura été accordée en vertu de l'article 11 de la Convention, pourront être notifiées au Bureau international par l'Administration du pays où a lieu l'exposition, pour faire l'objet d'une publication dans l'organe officiel du dit Bureau.

VII. — Accession de nouveaux Etats à l'Union.

Lorsqu'un nouvel Etat adhérera à la Convention, la date de la note par laquelle son accession sera annoncée au Conseil fédéral suisse sera considérée comme celle de l'entrée du dit Etat dans l'Union, à moins que son Gouvernement n'indique une date d'accession postérieure.

VIII. — Colonies et possessions étrangères.

Lorsqu'un des Etats contractants désirera qu'une de ses colonies ou possessions étrangères soit considérée comme appartenant à l'Union par le

fait même de l'accession de la métropole, il devra le notifier au Gouvernement de la Confédération suisse, qui en donnera avis à tous les autres.

IX. — Documents à envoyer au Bureau international.

Dès qu'une loi, un règlement, une convention ou tout autre document officiel se rapportant à la protection des brevets d'invention, des dessins ou modèles industriels, des marques de fabrique ou de commerce, du nom commercial ou des indications de provenance aura été publié dans un des Etats de l'Union ou dans une de ses colonies, cet Etat adressera autant d'exemplaires de ce document au Bureau international qu'il en faudra à celui-ci pour en envoyer un exemplaire à chacun des Etats contractants et pour en conserver deux exemplaires dans ses propres archives. Le Bureau international procédera sans retard à la répartition des documents qui lui seront ainsi adressés.

Il sera en outre envoyé, autant que possible, au Bureau international, un exemplaire de tous les documents parlementaires qui seront publiés dans les Etats de l'Union sur les matières susmentionnées.

X. — Statistique.

1. Avant la fin du premier semestre de chaque année, les Administrations de l'Union transmettront au Bureau international les indications statistiques suivantes concernant l'année précédente, savoir:

A. — Brevets d'invention.

1° Nombre des brevets demandés;
2° Nombre des brevets délivrés;
3° Sommes perçues pour brevets.

B. — Dessins ou modèles industriels.

1° Nombre des dessins ou modèles déposés;
2° Nombre des dessins ou modèles enregistrés;
3° Sommes perçues pour dessins ou modèles.

C. — Marques de fabrique ou de commerce.

1° Nombre des marques déposées;
2° Nombre des marques enregistrées;
3° Sommes perçues pour marques.

2. Le Bureau international est autorisé à adresser aux Administrations des Etats contractants, sur les divers points concernant la propriété industrielle, des formulaires statistiques que les dites Administrations rempliront dans la mesure où cela leur sera possible.

XI. — Renseignements à fournir par le Bureau international.

1. Le Bureau international est tenu de fournir gratuitement aux diverses Administrations des Etats contractants les renseignements qu'elles pourront lui demander sur des questions relatives à la propriété industrielle.

2. Les mêmes renseignements seront fournis aux particuliers domiciliés dans le territoire de l'Union, moyennant une taxe de 1 franc par renseignement demandé.

Cette taxe pourra être payée en timbres-poste des divers Etats contractants, et cela sur la base suivante pour les Etats qui n'ont pas le franc pour unité monétaire, savoir:

Brésil . . . . . , .	1	franc	=	400 reis.
Espagne	1	„	=	1 piécette.
Etats-Unis d'Amérique .	1	„	=	20 cents.
Grande-Bretagne . . .	1	„	=	10 pence.
Guatémala	1	„	=	20 centimos de peso.
Norvège	1	„	=	80 œre.
Pays-Bas	1	„	=	50 cents.
Portugal	1	„	=	200 reis.
Suède	1	„	=	80 œre.

Les Administrations des Etats contractants accepteront, aux taux indiqués dans le paragraphe précédent, les timbres de leur pays que le Bureau international aura reçus à titre de frais de renseignements.

Dispositions Finales.

Le présent Protocole sera ratifié et les ratifications en seront échangées à Madrid dans le délai de six mois au plus tard.

Il entrera en vigueur un mois à partir de l'échange des ratifications, et aura la même force et durée que la Convention du 20 mars 1883, dont il sera considéré comme faisant partie intégrante.

En foi de quoi, les Plénipotentiaires des Etats ci-dessus énumérés ont signé le présent Protocole à Madrid, le quinze avril mil huit cent quatre-vingt-onze.

Pour la Belgique.	*Th. de Bounder de Melsbroeck.*
— le Brésil.	*Luis F. D'Abreu.*
— l'Espagne.	*S. Moret.*
— —	*Marqués de Aguilar.*
— —	*Enrique Calleja.*
— —	*Luis Mariano de Larra.*
— les Etats-Unis d'Amérique.	*E. Burd Grubb.*
— la France et la Tunisie.	*P. Cambon.*
— le Guatémala.	*J. Carrera.*
— l'Italie.	*Maffei.*
— la Norvège.	*Arild Huitfeldt.*
— les Pays-Bas.	*Gericke.*
— le Portugal.	*Comte de Casal Ribeiro.*
— la Suède.	*Arild Huitfeldt.*
— la Suisse.	*Ch. E. Lardet.*
— —	*Morel.*

Procès-verbal de dépôt des ratifications.

Conformément aux dispositions adoptées d'un commun accord entre leurs Gouvernements respectifs, les soussignés se sont réunis aujourd'hui au Ministère des affaires étrangères, à Madrid, pour procéder à l'examen et au dépôt des ratifications de Sa Majesté le Roi des Belges; de Sa Majesté le Roi d'Espagne, et, en Son nom, de Sa Majesté la Reine Régente du Royaume; de Son Excellence le Président des Etats-Unis d'Amérique; de Son Excellence le Président de la République française; de Sa Majesté la Reine du Royaume-Uni de la Grande-Bretagne et d'Irlande, Impératrice des Indes; de Sa Majesté le Roi de Suède et de Norvège, etc., etc.; de Son Excellence le Président de la Confédération suisse, et de Son Altesse le Bey de la Tunisie, sur les quatre protocoles concernant l'Union internationale de la propriété industrielle, signés à Madrid les 14 et 15 juin 1891.

Ces opérations ont eu lieu comme suit:

Protocole n⁰ 1.

„Arrangement concernant la répression des fausses indications de provenance sur les marchandises."

Ratifié par les Etats suivants: l'Espagne, la France et la Tunisie, la Grande-Bretagne et la Suisse.

Protocole n⁰ 2.

„Arrangement concernant l'enregistrement international des marques de fabrique ou de commerce."

Ratifié avec le Protocole de clôture qui l'accompagne, par les Etats suivants: la Belgique, l'Espagne, la France et la Tunisie, et la Suisse.

Protocole n⁰ 3.

„Concernant la dotation du Bureau international de l'Union pour la protection de la propriété industrielle."

Ratifié par les Etats suivants: la Belgique, l'Espagne, les Etats-Unis d'Amérique (avec la réserve du Sénat citée dans l'acte de ratification), la France et la Tunisie, la Grande-Bretagne, la Norvège, la Suède (à condition que ce Protocole soit approuvé par tous les autres Etats appartenant à l'Union), et la Suisse.

Protocole n⁰ 4.

„Déterminant l'interprétation et l'application de la Convention du 20 mars 1883."

Ratifié par les Etats suivants: la Belgique (avec la réserve que les dispositions ratifiées unanimement par tous les Etats faisant partie de l'Union internationale seront seules mises en vigueur), la Norvège et la Suède (en tant que les dispositions de ce Protocole ont été acceptées par tous les autres Etats appartenant à l'Union, à l'exception, toutefois, des dispositions de l'article 5), et la Suisse.

Tous les instruments des actes de ratification ont été produits, et ayant été réciproquement reconnus en bonne et due forme par MM. les

Plénipotentiaires des Etats respectifs, ils ont été remis entre les mains du Plénipotentiaire de Sa Majesté la Reine Régente d'Espagne, pour être déposés avec le présent Procès-verbal de dépôt, aux Archives du Ministère des affaires étrangères à Madrid.

Fait et signé à Madrid, le quinze juin mil huit cent quatre-vingt-douze, en un seul exemplaire, dont une expédition certifiée sera remise par le Gouvernement espagnol aux Représentants des Etats de l'Union.

Pour la Belgique	(L.S.) *Bon du Jardin.*
— l'Espagne	(L.S.) *S. Moret.*
— les Etats-Unis	(L.S.) *Francis Mac-Nutt.*
— la France et la Tunisie	(L.S.) *Th. Roustan.*
— la Grande-Bretagne	(L.S.) *H. Drummond Wolff.*
— la Norvège	(L.S.) *F. Wedel Jarlsberg.*
— la Suède	(L.S.) *F. Wedel Jarlsberg.*
— la Suisse	(L.S.) *Welti.*

29.

BELGIQUE, BRESIL, ESPAGNE, ETATS-UNIS D'AMERIQUE, FRANCE et TUNISIE, GRANDE-BRETAGNE, GUATEMALA, ITALIE, NORVEGE, PAYS-BAS, PORTUGAL, SUEDE, SUISSE.

Protocole concernant la dotation du Bureau international de l'Union pour la protection de la propriété industrielle; signé à Madrid le 15 avril 1891.

Overenskomster med fremmede Stater, 1892, No. 5, Utgiver Bätzmann.

Les soussignés Plénipotentiaires des Gouvernements cidessus énumérés,

Vu la Déclaration adoptée le 20 Mars 1883 *) par la Conférence internationale pour la protection de la propriété industrielle réunie à Paris,

Ont, d'un commun accord, et sous réserve de ratification, arrêté le Protocole suivant:

Art. 1. — Le premier alinéa du chiffre 6 du Protocole de clôture annexé à la Convention internationale du 20 Mars 1883 pour la protection de la propriété industrielle est abrogé et remplacé par la disposition suivante:

„Les dépenses du Bureau international institué par l'article 13 seront supportées en commun par les Etats contractants. Elles ne pourront, en aucun cas, dépasser la somme de soixante mille francs par année".

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*) V. **N. R. G.** 2e série X, 133.

Art. 2. — Le présent Protocole sera ratifié, et les ratifications en seront échangées à Madrid dans le délai de six mois au plus tard.

Il entrera en vigueur un mois à partir de l'échange des ratifications, et aura la même force et durée que la Convention du 20 Mars 1883 dont il sera considéré comme faisant partie intégrante.

En foi de quoi, les Plénipotentiaires des Etats ci-dessus énumerés ont signé le présent Protocole à Madrid le quinze Avril mil huit-cent-quatre-vingt-onze.

Pour la Belgique:	*Th. de Bounder de Melsbroeck.*
„ le Brésil:	*Luis F. d'Abreu.*
„ l'Espagne:	*S. Moret.*
—	*Marqués de Aguilar.*
—	*Enrique Calleja.*
—	*Luis Mariano de Larra.*
„ les Etats-Unis d'Amérique:	*E. Burd Grubb.*
„ la France et la Tunisie:	*P. Cambon.*
„ la Grande Bretagne:	*Francis Clare Ford.*
„ le Guatémala:	*J. Carrera.*
„ l'Italie:	*Maffei.*
„ la Norvège:	*Arild Huitfeldt.*
„ les Pays-Bas:	*Gericke.*
„ le Portugal:	*Comte de Casal Ribeiro.*
„ la Suède:	*Arild Huitfeldt.*
„ la Suisse;	*Ch. E. Lardet.*
—	*Morel.*

30.

PÉROU, BRÉSIL.

Traité de commerce et de navigation signé à Rio de Janeiro le 10 octobre 1891.

Ministerio de Relaciones Exteriores del Perù, Coleccion de Tratados No. 1, Lima 1896.

Tratado de commercio y navegacion.

Las Repúblicas del Perú y de los Estados Unidos del Brasil, igualmente animadas del deseo de facilitar el comercio y navegación fluvial en sus regiones amazónicas y mútuas fronteras, estrechando á la vez sus vínculos de fraternidad, resolvieron ajustar en un Tratado especial los principios y bases de aquel comercio y navegación; y con tal propósito nombraron Plenipotenciarios, á saber:

S. E. el señor coronel D. Remigio Morales Bermúdez, Presidente de la República del Perú, al señor Dr. D. Guillermo A. Seoane, Enviado Extraordinario y Ministro Plenipotenciario cerca del Gobierno del Brasil;

S. E. el señor Generalísimo Menuel Deodoro da Fonseca, Presidente de la República de los Estados Unidos del Brasil, al señor doctor Justo Leite Chermont, Ministro de Estado de Relaciones Exteriores;

Quienes, después de exhibidos sus plenos poderes, que hallaron en buena y debida forma, convinieron en las siguientes estipulaciones:

I. La navegación de los ríos communes al Perú y al Brasil y la del Yavarí y sus afluentes es libre para las embarcaciones peruanas y brasileñas, quedando sujeta á los reglamentos establecidos ó que se establecieren en ambos países.

II. Esos reglamentos deben ser los más favorables á la navegación y comercio, y guardar en las dos Repúblicas la posible uniformidad.

III. Serán consideradas peruanas en los puertos del Brasil y brasileñas en los puertos del Perú, las embarcaciones que fueren poseídas y tripuladas según las leyes del respectivo país.

IV. Las Repúblicas del Perú y de los Estados Unidos del Brasil, convienen en declarar libres de todo y cualquier impuesto, las comunicaciones entre sí, no sólo por las vías fluviales sino también por las terrestres que den paso del uno al otro territorio, respetándose los reglamentos fiscales y de policía que estableciere cada Gobierno dentro de su jurisdicción.

V. Cuando á falta de línea directa del Atlántico para el Perú ó del Perú para el Atlántico, se haga necesario el trasbordo, en cualquier puerto aduanero brasileño, de mercaderías despachadas con manifiestos directos, no se exigirá en dicho puerto de tránsito el desembarque ni apertura de los bultos, que, así como en dicha línea directa, quedan exentos de todo impuesto.

VI. Cuando, por falta de trasbordò, tuviere que detenerse el tránsito de las mercaderías en alguno de los puertos peruanos ó brasileños de la vía fluvial, se depositarán en almacenes especiales marítimos ó terrestres.

En este caso, la aduana respectiva cobrará el impuesto de almacenaje y peonaje, como hasta ahora, conforme á la legislación de cada país.

VII. Para que continúe el tránsito de las mercaderías depositadas, el consignatario presentará una relación especificada de los respectivos bultos, de acuerdo con el manifiesto, por cargamentos íntegros correspondientes á la misma persona, sin subdividirlos, salvo el caso de solicitarlo el interesado, si fuere necesario para su buena acomodación.

Esa relación mencionará los números, marcas y contramarcas, peso bruto, capacidad y contenido de cada bulto. Los bultos subdivididos tendrán las mismas marcas, contra-marcas y números de los principales, agregándoseles una letra por su orden del alfabeto.

VIII. Llenadas las formalidades de la anterior cláusula y suscrita por el consignatario ó expedidor de las mercaderías en tránsito la fianza en garantía de los derechos fiscales respectivos, para el caso de que no llegaren á su destino, se les dará salida.

Dejará de tener efecto la fianza respectiva, en vista del certificado de la aduana á que está destinada la mercadería, el cual estará legalizado por la autoridad consular.

Con tal fin, se indicará en la fianza el plazo equitativo dentro del

cual se haya de exhibir la prueba del arribo á su destino de las mercaderías despachadas en tránsito.

IX. Quedan exentos de fianza los consignatarios de las mercaderías en tránsito que las hicieren trasportar directamente para los puertos del Perú, en embarcación que no toque en ningún otro puerto intermediario, salvo los de Manaos y Tabatinga.

Quedan igualmente exentos de fianza de responsabilidad los consignatarios que consiguieren el trasporte de las mercaderías en embarcaciones que, sin embargo de tocar en otros puertos intermediarios, las conduzcan en bodegas especiales selladas por la autoridad aduanera. Sólo podrán ser abiertas esas bodegas en la aduana recibidora, en presencia de la autoridad consular brasileña.

Queda en ambos casos dispensada la presentación de la relación á que se refiere la cláusula anterior, bastando para el despacho la indicación del número de bultos con sus marcas y contramarcas.

X. Las embarcaciones empleadas en el commercio de tránsito conducirán empleados fiscales de ambas Repúblicas, según las exigencias del servicio aduanero, á fin de comprobar el destino de las mercaderías.

XI. En la exportación directa que del Perú se hiciere para el Atlántico, con trasbordo ó depósito en los puertos brasileños del tránsito, se observará lo estipulado en las cláusulas anteriores referentes á la importación, respecto de los documentos probatorios de su procedencia cuando fuere preciso depositar la mercadería en los entrepostos ó almacenes terrestres ó marítimos, omitiendo cada Gobierno las diligencias que le compitieren y considerase innecesarias.

XII. Para que continúe el tránsito de los artículos especificados de exportación, el consignatario promoverá, en vista de las respectivas guías aduaneras y manifiesto, el despacho de salida.

XIII. Salvo el uso del papel sellado ó sello de timbres, no se cobrará derecho alguno por la documentación relativa al despacho de transito de la mercadería almacenada.

XIV. Los productos peruanos que se importe en el Brasil y los brasileños que se importe en el Perú por el Amazonas y sus afluentes comunes, quedan exentos de todos y cualesquiera derechos.

XV. No hay nacionalización de mercaderías; y, por consiguiente, las mercaderias extranjeras que del Perú fueren exportadas para el Brasil ó del Brasil para el Perú, pagarán los derechos establecidos en las respectivas aduanas recibidoras.

XVI. Las aduanas se remitirán una relación de las mercaderías en tránsito, á más del manifiesto respectivo que es de estilo enviar, siempre que la exigieren sus Administradores.

XVII. El comercio de importación y exportación del río Yavarí, margen peruana ó brasileña, queda sujeto á derechos aduaneros enteramente iguales, bajo las bases y formalidades que en seguida se especifican.

XVIII. En cáso de algún contrato cor embarcaciones ó compañías de navegación, sobre rebaja de fletes para el commercio del río Yavarí, dicha rebaja será común á ambos países, á fin de que haya en el trasporte la misma igualdad que en la percepción de derechos.

XIX. Las mercaderías ó productos de tránsito destinados al Yavarí ó procedentes de dicho río, llevarán manifiestos distintos de los de la demás carga.

XX. La goma elástica procedente de la región del río Yavarí pagará, en el acto de su salida, el impuesto de diez por ciento (10 %) calculado sobre su valor oficial; y abonarán el siete por ciento (7 %) los demás productos que de la dicha región se exportaren.

XXI. Se calculará ese valor oficial según las últimas cotizaciones de los dichos artículos ó productos en la plaza de Manaos, por ser la de mayor importancia en la proximidad del Yavarí.

XXII. Las mercaderías de importación (no peruanas ni brasileñas) con destino á la región del Yavarí y cualquiera de sus márgenes, quedan sujetas á los derechos que actualmente pagan según la legislación del Brasil, mientras el Congreso brasileño no autorice constitucionalmente al Gobierno á una reducción especial para la Aduana Mixta, propuesta por una comisión mixta, que tendrá en cuenta la gran distancia y condiciones del comercio de aquella región.

XXIII. Las diferencias de calidad ó cantidad encontradas en el despacho y confrontación aduanera, quedarán sujetas al pago de derechos dobles, á fin de evitar ó reprimir el abuso.

XXIV. Para el fiel cumplimiento de lo que estipulado queda, con referencia al comercio de importación y exportación del río Yavarí, su fiscalización y recaudación de derechos aduaneros, las Altas Partes Contratantes resuelven establecer una Aduana Mixta en Tabatinga.

XXV. Los empleados de esa Aduana serán nombrados por el Gobierno del Brasil, constituyendo el del Perú una Agencia fiscal ó Interventor Consular para las operaciones de los manifiestos, facturas, conocimientos y guías de ingreso de mercaderías y salidas de los productos, así como también para las diligencias y exámenes en los almacenes terrestres ó marítimos de la Aduana Mixta.

XXVI. Una Comisión Mixta proyectará un Reglamento que, después de aprobado por ambos Gobiernos, regirá en la Aduana Mixta.

XXVII. Los actos de la Agencia fiscal ó del Interventor Consular prevalecerán, para todos los efectos aduaneros, en el comercio de importación y exportación ante las aduanas brasileñas.

XXVIII. La cuantía de los derechos aduaneros de importación correspondientes al Perú, recaudada en la Aduana Mixta, se entregará mensualmente en la Aduana de Iquitos, en la especie recibida.

XXIX. Las embarcaciones que hubieren recibido pase en alguno de los puertos aduaneros del Brasil con destino directo para Iquitos ó cualquier otro puerto del rio Marañón ó Amazonas peruano, y los que de estos últimos puntos del Perú procedieren con destino para puertos brasileños ó extranjeros, quedan exentos de dar entrada en la Aduana Mixta de Tabatinga: sólo habrá visita fiscal y de policía en dichas embarcaciones, si dejaren ó recibieren pasajeros.

XXX. Es indispensable el pase, otorgado á título gratuito por la Aduana Mixta, para que entren las embarcaciones en el río Yavarí; y una vez despachados en esa Aduana los productos de allí procedentes, seguirá la carga su destino, libre de todo examen, gabela ó impuesto.

XXXI. Para ejercer mejor la fiscalización aduanera y facilitar las relaciones comerciales entre ambas Repúblicas, en la región del Yavarí, el Gobierno del Brasil se compromete á prolongar su línea telegráfica hasta Tabatinga; y el Perú, á continuarla desde la dicha frontera hasta Iquitos, donde funciona actualmente la principal aduana peruana limítrofe.

XXXII. Cuando, por haberse infringido los reglamentos de policía concernientes al libre tránsito fluvial, se hubiere embargado mercaderías ó los buques ó embarcaciones menores que las conduzcan, las dos Altas Partes Contratantes estipulan que se alzará tal embargo, mediante la prestación de una fianza o caución, suficiente para asegurar el valor de los objetos detenidos.

Del mismo modo, cuando la infracción no mereciere sino la pena de multa, se permitirá al infractor la continuación de su viaje, asegurando el importe de dicha multa y su efectivo pago dentro de un plazo conveniente.

XXXIII. Si algún buque de las dos Altas Partes Contratantes naufragase, sufriese avería ó fuese abandonado en las márgenes de los ríos de la otra, se dará á dicho buque y á su tripulación la asistencia y protección posibles; y el buque, cualquiera parte de él, todo su aparejo y pertenencias y todos los efectos y mercaderías que se salvaren, ó su producto si se vendieren, serán fielmente entregados á sus dueños ó agentes debidamente autorizados.

A falta de éstos últimos, se entregarán al respectivo Cónsul ó Vicecónsul, pagando únicamente los gastos ocasionados en la conservación de la propiedad, ú otros que se paguen en iguales casos por buques nacionales naufragados; y se permitirá, en dicho caso de naufragio ó avería, descargar, si fuere necesario, las mercaderías ó efectos que se hallen á bordo, sinexigir por esto ningún derecho, salvo que se destinen á la venta ó consumo en el país en que se hubieren desembarcado.

XXXIV. Ambas Repúblicas sus tituyen, en sus puertos de la vía fluvial, los antiguos derechos llamados de faros y balizas, en beneficio de la navegación, con el derecho único de tonelaje recomendado por la Conferencia de Wáshington, el cual se cobrará sobre el tonelaje bruto, es decir, sobre la capacidad total de la nave: dicho impuesto sólo gravará á los buques que directamente se dirijan á sus puertos ó á los que en ellos entren por escala (salvo los casos de fuerza mayor) si éstos allí cargaren ó descargaren.

XXXV. El derecho máximun de tonelaje será.

de 20 soles en el Perú y de 40,000 reis en el Brasil, para los buques hasta de 200 toneladas.

de 30 soles en el Perú y de 60,000 reis en el Brasil, para los buques hasta de 400 toneladas;

de 40 soles en el Perú y de 80,000 reis en el Brasil, para los buques hasta de 700 toneladas;

de 50 soles en el Perú y de 10,000 reis en el Brasil, para los buques de más de 700 toneladas.

XXXVI. Quedan exentos del pago de derechos de tonelaje:

1º. Los trasportes ó buques de guerra;

2º Los que miden menos de veinticinco toneladas;

3º Los que, por cualquiera causa imprevista é irresistible, se vean obligados á arribar al puerto, desviándose de su rumbo;

4º Los yates y demás embarcaciones de paseo.

XXXVII. Fuera de los derechos de peonaje y almacenaje, que permite la cláusula VI respecto de las mercaderías depositadas, el de tonelaje con que grava á las naves la cláusula XXXIV, el de timbre ó papel sellado que indica la cláusula XIII; el tránsito fluvial no podrá ser gravado directa ni indirectamente con impuesto alguno, sea cual fuere su denominación y objeto.

XXXVIII. Las Repúblicas del Perú y de los Estados Unidos del Brasil se obligan respectivamente á ne permitir que los indígenas sean arrebatados y conducidos del territorio de la una al de la otra, y los que fueren llevados de ese modo violento serán restituídos á las respectivas autoridades de la frontera, así que sean reclamados.

XXXIX. Queda sin efecto la Convención fluvial de 22 de octubre de 1858, que sustituye este Tratado.

XL. El presente tratado durará cinco años y entrará en vigor á los noventa días del canje de las ratificaciones. Concluído el quinquenio, continuará hasta que una de las Altas Partes Contratantes notifique á la otra su deseo de ponerle término, y cesará en todos sus efectos doce meses después de la fecha de esta notificación.

XLI. El Gobierno del Brasil promoverá la aprobación de todas las cláusulas de este tratado que, según la Constitución Federal, son de exclusiva competencia del Congreso del Estado de Amazonas.

Sólo después de aprobadas aquellas cláusulas por ese Congreso, será ratificado el presente tratado en conformidad con la legislación de cada país, siendo las ratificaciones canjeadas en Lima, Rio Janeiro ú otro punto que oportunamente se designe:

En fe de lo cual, los Plenipotenciarios de las Repúblicas del Perú y del Brasil lo firmaron y sellaron.

Hecho en Rio Janeiro, á los diez días del mes de octubre de mil ochocientos noventa y uno.

Guillermo A. Seoane.
Justo Leite Chermont.

Por tanto: y habiendo el Congreso Nacional aprobado el presente Tratado de Comercio y Navegación en diez y nueve de octubre de mil ochocientos noventa y cûatro, en uso de las facultades que la Constitución me confiere, he venido en aceptarlo, aprobarlo y ratificarlo, teniéndolo como ley del Estado y comprometiendo para su observancia el honor nacional.

En fé de lo cual, firmo la presente ratificación, sellada con las armas de la República y refrendada por el Ministro de Estado en el Despacho de Relaciones Exteriores, en Lima, á los diez y ocho días del mes de marzo de mil ochocientos noventa y seis.

(L.S.) *N. de Piérola.*

Ricardo Ortiz de Zevallos.

Acta de Canje.

En la ciudad de Lima, capital de la República Peruana, á los diez y ocho días del mes de marzo de mil ochocientos noventa y seis, reunidos en el Despacho de Relaciones Exteriores, los infrascritos, doctor don Ricardo Ortiz de Zevallos, Ministro de dicho Ramo, y don Frederico Belisario Soares de Sousa, Encargado de Negocios de los Estados Unidos del Brasil, con el objeto de proceder al canje de las ratificaciones del Tratado de Comercio y Navegación celebrado en Rio Janeiro entre ambos paises, el diez de octubre de mil ochocientos noventa y uno, después de haberse manifestado sus correspondientes plenos poderes, procedieron á la lectura y confrontación de los instrumentos originales de dichas ratificaciones, y, habiéndolos hallado exactos y en perfecta conformidad, realizaron su canje.

En fé de lo cual, los infrascritos han redactado la presente acta, firmándola por duplicado y poniendo en ella sus correspondientes sellos.

(L.S.) *Ricardo Ortiz de Zevallos.*
(L.S.) *Frederico Belisario Soares de Sousa.*

Druck von G. Kreysing in Leipzig.

NOUVEAU

RECUEIL GÉNERAL

DE

TRAITÉS

ET

AUTRES ACTES RELATIFS AUX RAPPORTS DE DROIT INTERNATIONAL.

CONTINUATION DU GRAND RECUEIL

DE

G. FR. DE MARTENS

PAR

Felix Stoerk

Professeur à l'Université de Greifswald. Membre de l'Institut de droit international.

DEUXIÈME SÉRIE.

TOME XXII.

DEUXIÈME LIVRAISON.

LEIPZIG

LIBRAIRIE DIETERICH

THEODOR WEICHER

1897.

31.

ALLEMAGNE, AUTRICHE, ESPAGNE, ÉTATS-UNIS D'AMÉRIQUE, FRANCE, ITALIE.

Correspondances et Rapports des Représentants anglais visant les lois et ordonnances des pays de leur résidence sur l'organisation et l'administration de la Police dans les Capitales et Provinces de ces pays, du 5 févr. 1889 au 30 décembre 18 91.

Parliamentary papers presented to both Houses of Parliament by Command of Her Majesty. [1892— C. 6749.]

Summary of Reports from Her Majesty's Representatives in the United States of America, France, Germany, Austria, Italy, and Spain, as to the Control and Organisation of the Police in the Capitals and Provinces of these Countries.

United States of America.

Washington.

The district of Columbia, in which Washington is situated, as being the seat of Government, is legislated for exclusively by Congress.

["The district of Columbia (area 70 square miles) is a piece of land "set apart to contain the City of Washington, which is the seat of "the Federal Government. It is governed by three Commissioners "appointed by the President, and has no local legislature nor muni-"cipal government, the only legislative authority being Congress." Bryce's "American Commonwealth," Vol. II., p. 208.]

The Columbia Police Force was organised by Congress in 1861, and now consists of 423 officers and men. They are appointed and the force is entirely controlled by the Commissioners, subject to Congress.

One half of the cost of the municipal administration of Columbia,

including the police, is paid for from the National Treasury, the other half by local taxation.

The States.

Elsewhere in the United States, each State legislates with regard to the police, and generally the administration and maintenance of the police is imposed on the municipal authorities.

France.

Paris.

The Prefect of Police, who controls the entire police of Paris, and who appoints the officers and men, is appointed by Presidential Decree, and is under the immediate authority of the Ministers.

He has a seat in the Paris Municipal Council for the purpose of conferring with that body, but is in no way responsible to it.

	£
Of the cost of the police the Municipality contributes	836,000
The State	307,000
Total	1,143,000

The State also maintains the Republican Guard as a military force at a cost of about 200,000*l.*

Departments.

As a general rule the police of the departments is paid from local funds, each canton assessing what is to be paid by the different communes under the control of the Prefect and Departmental Council. Exceptions however exist.

		£	
i.	In the department of the Seine the communes adjoining Paris receive a State subvention of	25,000	per annum.
ii.	Lyons and its neighbourhood receives . . .	58,770	„
iii.	The State maintains a railway police . . .	28,000	„
	„ a frontier police . . .	2,500	„
	„ special commissaires de police	9,000	„

iv. It expends 80,000*l.* per annum on police secret service.

v. It grants 17,600*l.* per annum to help the poorer communes to pay their quota.

As regards administration and police action, however, the departmental police is under State control, through the prefects of departments and maires of the communes in direct communication with the Ministry of the Interior.

Prussia.

It must be borne in mind that in the reports which have been furnished by the Prussian Government various kinds of officials are classed as "police," who in this country would not come under that designation,

e. g., inspectors of factories and mines, veterinary and sanitary inspectors, firemen, &c. This summary deals only with police as that term is understood here.

Berlin.

The officers and men of the Berlin police are appointed by the State, and the force is entirely under State control.

The personnel is paid for by the State, the municipality contributing only the cost of the matériel, e. g., lodging and clothing. There is a special corps of night watchmen, the whole cost of which is borne by the municipality; it is, however, under the sole command and administration of the State.

The total number of men (exclusive of the night watchmen) is 4,319, and its cost to the State is about 400,000*l.*

The Provinces.

In the Prussian provinces there appear to be three sorts of police:—

i. The Landespolizei (or Gendarmerie), a quasi-military body of police wholly paid and controlled by the State. This force, though small in numbers relatively to the population, is spread over the whole country, both towns and rural districts, and in each district an officer appointed by the State—the "Landrath"—commands and controls the force, which acts both to maintain order and for detective purposes.

ii. A Royal Town Police is established by the State in some of the larger towns. It is commanded and controlled by officers appointed by the State, but is paid for by the towns. In these towns however there are certain local police officers, e. g., the night-watch of parishes which are still under local administration.

iii. In other towns there is a civil or corporation police in the pay and control of the municipality, but still to some extent under the indirect control of the State, which also controls the appointments of the mayors of towns, and which retains power to appoint, if it sees fit, a special officer to administer the police.

The arrangements both as to the completeness of the State control and as to the charge imposed on local funds appear to vary much in different places; on both of these points the report of the Prussian Government is vague, though it is clear that some amount of State control is universal.

Austria.

Vienna.

The Vienna police is administered entirely by the national authorities and is maintained at the national cost, subject to a contribution by the commune of Vienna of $30^1/_3$ per cent. of the cost of the police in Vienna, and of 15 per cent. by the other communes within the police circle of Vienna.

Provinces and Provincial Towns.

In the chief provincial capitals the police is under State control, as in Vienna. There are in these places separate police authorities called "police directions," which in Prague, Triest, Lemberg, and Cracow provide and control both the local and the State police: in Graz, Brünn, and Trient the State police only, the commune in these three places providing the local police or watchmen. There is also a State police detachment at Görz. In all these cases the cost falls primarily on the State, but the communes make contributions in varying proportions from 15 to 50 per cent.

There are also State police "commissariats" in the more important frontier towns.

In all other towns and villages the police is supplied partly by the local government authorities and partly by the communes. The communes appoint and pay the watchmen; and the local government authorities have at their disposal the gendarmerie, a force organised on the military system, for the maintenance of public security and order.

Italy.

The police organisation of Rome is identical with that of the provinces. It consists of—

i. Officers of public safety (questors, inspectors, and officers of judicial police).
ii. Guardians of public safety (or ordinary policemen and detectives).
iii. Carabinieri (or gendarmes).
iv. Municipal guards (municipal sanitary, &c. officers).

i. The officers of public safety are paid entirely by the State, and are under exclusively State control. They are charged with the maintenance of order, the execution of police and penal laws, and the detection of crime. In maintaining order they are assisted by the guards of public safety.

ii. The guards of public safety consist of the ordinary policemen and detectives, their officers, doctors, and schoolmaster. The commune bears the entire expense of the barracks and quarters, the State the expense of lodging the married men, who live outside the barracks, and the whole cost of the doctors and schoolmaster: the remainder is borne half by the State and half by the commune.

iii. The carabinieri, who form an integral part of the army, are paid wholly by the State and commanded by military officers; their barracks are provided by the province.

i., ii., and iii. are absolutely under the control of the Government.

iv. The municipal guards are subject to the commune, and paid by it. They watch over urban sanitary and public works, and see to the carrying out of byelaws and police regulations. They arrest malefactors only when caught red-handed.

By a decree of 1879 arrangements were made for the co-operation of ii., iii., and iv. in patrolling, &c.

The total expense of the four classes in Rome is thus distributed:—

The State pays	1,031,000	Lire
The commune pays	1,332,000	„
The province pays	45,000	„
	2,408,000	„

Spain.

Madrid.

The expenditure of the Madrid police is borne by the national funds But in addition to the police there are the "agentes municipales," maintained at the cost of the municipality, who perform sanitary and inspection and ambulance duties in the streets, and help the police properly so called.

Provinces.

The police are everywhere a State-paid and State-administered body.

Reports.

United States of America.

(No. 38.)

My Lord, Washington, February 5, 1889.

In reply to your despatch No. 5, of the 14th ultimo, I have the honour to inform your Lordship that in this country the police force is established by legislation in each of the States of the Union, and is administered and maintained by municipal authority, the expense being borne by local taxation.

In the district of Columbia, however, over which, as the seat of Government of the United States, Congress exercises exclusive legislation, one-half of the expenses of the local government, including the cost of maintaining the police force, is paid from the National Treasury, the other half heing paid out of the revenues of the district derived from taxation of citizens and property.

I have &c.,

The Marquis of Salisbury, K.G., (Signed) *Michael Herbert.*
&c. &c. &c.

Department of Metropolitan Police,
Washington, D.C.,

Sir. June 17, 1889.

In reply to your letter of inquiry of the 14th instant, I have the honour to state that the Metropolitan Police Force of the district of Columbia was organised by Congress, in August 1861, upon the plan of the New York City Police Force, and the same organisation prevails to-day. The officers provided were one major and superintendent, one captain, 10 lieutenants, 20 sergeants, 200 privates, and six detectives. Since that

time various changes have been made by Congress, until the department on the 1st of July 1889 will consist of—

		Per Annum.
		$
One major and superintendent, at a salary of	. .	2,700
One captain,	„ . .	1,800
One chief clerk, who is also Property clerk	„ . .	1,800
One clerk,	„ . .	1,500
One clerk,	„ . .	900
Four surgeons, each	„ . .	480
Two inspectors, each	„ . .	1,500
Nine lieutenants, each	„ . .	1,320
28 sergeants, each	„ . .	1,140
185 privates, Class 1, each	„ . .	900
150 privates, Class 2, each	„ . .	1,080
19 station keepers, each	„ . .	720
Nine labourers, each	„ . .	480
One messenger	„ . .	700
One messenger	„ . .	500
One van-driver	„ . .	360
One ambulance-driver	„ . .	480
One assistant ambulance-driver	„ . .	300
Seven patrol drivers, each	„ . .	360
Three matrons, each	„ . .	600

The major, captain, and 25 lieutenants, sergeants, and privates are each allowed 240 dollars a year additional for forage for their horses, which are provided by themselves.

Six of the expert privates are selected to perform detective service, at an additional compensation of 240 dollars each to their pay as privates.

All of these officers, privates, and employés are appointed by the Commissioners of the district of Columbia.

The various duties performed by this force are fully set forth in the accompanying reports*), and in the book of rules established by law for the government of the department, which not only patrols the city of Washington, but the suburbs included in the district of Columbia, aggregating an area of $72^{9}/_{10}$ square miles, with a population of about 225,000 people.

In conjunction with the Police Department, the sick and insane are sent to institutions for their care; those about to become charges on the district of Columbia are furnished transportation to their homes or friends: and charity is disbursed tho the needy from a fund appropriated by Congress for that purpose.

There is also conducted a patrol system in seven of the nine police districts, whereby the stations are connected by telephone with various

*) Inclosures not here printed.

boxes on the several beats patrolled by the men. Through these boxes officers telephone at stated intervals to indicate a strict performance of duty, and when arrests are made the patrol waggons are called through these bodes from the stations, to convey thither the prisoners for confinement.

The matrons in the several stations search and have charge of female prisoners and care for lost children.

As stated in my previous communication, the expenses of this department are borne half by the people of the United States at large, and half by the taxpayers of the district of Columbia, and are paid from the United States Treasury, in accordance with appropriations made by Congress, through the Commissioners of the district of Columbia, who exercise the same relative authority over all departments included in our local government.

In addition to the documents herein-before mentioned, I enclose * a copy of the Act of Congress containing the appropriations for the maintenance of this department for the fiscal year ended June 30th, 1890, together with the various blank forms, &c. used in our police operations.

I am, &c.,

(Signed) *Wm. G. Moore,*
Major and Supt.,
Met. Police, D.C.

Sir J. Pauncefote,
Envoy Extraordinary and
Minister Plenipotentiary,
British Legation,
Washington, D.C.

France.

(No. 81.)

My Lord, Paris, February 20, 1889.

With reference to your Lordship's despatch No. 22, of the 14th ultimo, I have the honour to transmit herewith to your Lordship, for the information of the Home Department, a report by Mr. de Bunsen, on the organisation of the Paris Police Force.

I have, &c.

(Signed) *Lytton*

The Marquis of Salisbury, K.G.
&c. &c. &c.

The control of the Paris police is vested in the Prefect of Police, who is appointed by a Presidential Decree and placed under the immediate authority of the Ministers of the Republic. He is allowed a seat in the Municipal Council, for the purpose of conferring with that body but he owes it no allegiance and is responsible only to the State.

Though, as will be shown below, the police force of the capital is mainly paid by the municipality and is regarded as a municipal force, its officers and men are named by the Prefect, or, in some cases, directly by the State, and it may be said to be administered by the national, and not by the municipal authority.

The active force at the disposal of the Prefect of Police is composed

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*) Inclosures not here printed.

of the municipal police and of the Republican Guard. He is also the chief of the sedentary body of commissaires de police.

The municipal police takes its orders from the chef de la police municipale, an officer appointed by the Prefect of Police. Its total strength is given at 7,756 men, all told. It is divided into two distinct forces, the force of guardiens de la paix (formerly called sergents de ville), and the force of inspectors (inspecteurs de police), the former being in uniform and the latter in plain clothes.

The guardiens de la paix are divided in 26 brigades, viz., a brigade for each of the 20 districts (arrondissements) of Paris, and six central brigades.

It is the duty of the district brigades to patrol the streets and watch over the safety of live and property, each within its defined limits. Every district brigade is placed under the command of an officier de paix, and divided into three sub-brigades, each under a sous-brigadier. The sub-brigades are told off to four police stations, one in each of the four quartiers of which an arrondissement is composed. A quartier is divided into „beats" (îlots), each of which is constantly patrolled, day and night, bythe guardiens told off to it. The district brigades are all about 300 strong. Their action is strictly confined to their respective districts; they are not employed in the detection of crime, and they can only arrest offenders caught in the act. They are not under the orders of the commissaires de police, whose functions will be described further on, and the officiers de paix are under the immediate direction of the chef de la police municipale.

The six central brigades, likewise under the command of officiers de paix, are composed as follows:—

Four brigades of reserve, ready in cases of emergency to act as re-inforcement where wanted. When no exceptional work is required of them they are employed at races and reviews, and for daily service in the Bois de Boulogne.

The fifth central brigade (525 men) controls the carriage traffic of the capital; it sees to the observance of the regulations affecting hackney carriages, and it directs the traffic at congested points.

The sixth central brigade takes charge of the markets.

It may here be stated that the district and central brigades are armed with revolvers and sword bayonets fitting into their rifles. The rifles are kept at the arsenal of the Prefecture in case of emergency, when the police in uniform appear in the guise of a military force, armed, equipped and drilled like regular troops.

This concludes the review of that portion of the force under the chef de la police municipale which wears uniform. The plain clothes division (inspecteurs) consists of the brigade de la sureté (to which is attached the section des mœurs); the brigade des garnis, and three brigades de recherches.

The brigade de la sureté is in fact detective force. In the ordinary course, indeed whenever the offender is not caught in the act, the circumstances of a crime are first stated to the nearest commissaire de

police, who applies to the Prefect of Police for the men required to investigate the matter and arrest the guilty person. The Prefect of Police in his turn calls upon the chef de sureté to detail the necessary squad for the service required. Much loss of valuable time is entailed by this complicated procedure, which seriously impairs the working efficiency of the force, and which might, it is urged, be easily curtailed by placing the guardiens de la paix of every quartier under the immediate orders of the commissaire, who, under the present arrangement, has no authority to set a single man in his district in motion without orders from head-quarters. The brigade de la sureté (300 men) is commanded by a chef de sureté and five chief inspectors. The men are not armed, under the regulations, but most of them carry revolvers and handcuffs at their own expense. The brigade is divided into three principal services: (1), the service du centre, for arrests on warrants; (2), the service des renseignements, which is the detective force proper; and (3), the service de la voie publique, for going the rounds like the guardiens de la paix, but without being confined, like the latter, to the limits of any particular district.

The section des mœurs is also placed under the orders of the chef de la sureté; but it is practically managed by a chief inspector. Its duty is to enforce the laws regulating prostitution.

The second of the brigades in plain clothes is the brigade des garnis (140 men under an officier de paix), employed in taking the names of all inmates of hotels and lodging-houses, and noting their movements.

The three remaining brigades of inspectors (brigades des recherches), all of which are directly dependent on the Prefect of Police, are employed as follows:—The first and second attend and report public meetings, take down speeches, examine political publications, and put down prohibited games of hazard. The third is termed the contrôle. Its business is to report any breaches of discipline or instances of neglect of duty on the part of the police. The active portion of this brigade is constantly engaged in spying out such irregularities, while the remainder examines complaints and inquires into their accuracy.

These brigades have nothing to do with the secret police which is an irregular body of informers having no recognised status at the Prefect's department.

It may here be stated that, side by side with this body, there exists a small force of some 50 men, termed the contrôle général, formed for the purpose of watching the action of the police force as a whole, and reporting to the Prefect of Police any deviation from the exact execution of his orders. This body is likewise told off to the duty of watching against any infraction of the laws relating to advertisements, hawking in the public streets, the sale of indecent literature, and the use of trade marks. In so far as it still remains an organisation for spying out irregularities on the part of public servants in the employ of the Prefecture, such observation is directed towards the sedentary body of commissaires and not the active force of guardiens and inspectors.

The active force at the disposal of the Prefect of Police is supplemented by a force of gendarmerie or constabulary (a military body forming part of

the army), one legion of which, called the Republican Guard, is specially stationed in the capital, and placed at the beck and call of the Prefect. It is about 3,000 strong, some 600 or 700 being mounted. The three battalions of infantry (of eight companies each) are commanded by a lieutenant-colonel; the three squadrons of cavalry, also by a lieutenant-colonel; and the whole legion is under the command of a colonel. It is permanently employed as a guard at the courts of justice and at the various theatres and places of amusement of the capital, and, on occasions of popular excitement it is held in readiness to lend its assistance to the civil arm of the police; when appealed to by that arm, it assumes the entire responsibility for restoring order, and the command of both the civil and military force devolves upon it.

The sedentary, as distinguished from the active police, is composed of the staff employed at the office of the Prefecture, and of the body of commissaires de police.

The office of the Prefecture is divided into three principal sections:—(1) The Prefect's office (division du cabinet), which looks to the safety of the constituted authorities, and collects political information; (2) the première division, which receives the reports of the commissaires and gives orders for the detection of crime and the arrest of offenders; and (3) the deuxième division, having control of the sanitary police.

The commissaires de police are petty magistrates, rather than police officers. One is assigned to each of the 80 quartiers or sub-districts of Paris, and it is to these officers, and not to the regular police stations, that statements as to the circumstances of a crime are first made, on its discovery. As stated above, the commissaires have no authority over the guardiens de la paix within their districts; they cannot appeal to the police of the streets; and, even in cases of the greatest urgency, when loss of time is irreparable, they are obliged to have recourse to the slow and clumsy procedure of the Prefecture in order to obtain the services of the men required to follow up a clue or to arrest a criminal. Such services lie, as already explained, not with the guardiens, but with the inspectors of the brigade of sureté.

The police force of Paris is under the absolute control of the Prefect of Police, and thus, indirectly, under that of the Minister of the Interior by whom he is appointed. It is, however, mainly paid by the town of Paris, the State helping with a subvention. The annual cost to the town is about as follows:—

	£
Offices of the Prefecture	52,233
Commissaires de police	54,388
Police municipale (guardiens de la paix and inspectors)	729,567
Total	836,188

To this total, which is paid by the municipality, the State adds an annual subvention of 307,753*l.*, bringing up the total annual cost of the Paris police to the country to 1,143,941*l.*

If the Republican Guard is included, this sum must be raised by 200,000*l.*, which is about the average annual cost of the legion as it appears in the Budgets of the Ministry of War.

M. de Bunsen,
Paris, February 20, 1889. Secretary at H. M. Embassy.

It has been shown in a former report that the Paris police (exclusive of gendarmerie), while remaining under the strict control of the central Government, is paid from municipal funds, assisted by a State grant-in-aid of 307,753*l.* a year, or rather more than a quarter of its total cost.

The neighbouring communes of the Department of the Seine, lying outside the Paris district, also receive a subvention of 25,000*l.* a year from the State, for police purposes.

Before passing to the police of the provinces, it may here be mentioned that the State is an annual contributor towards the police expenditure of Lyons and its neighbourhood (agglomération Lyonnaise) to the extent of 58,770*l.*, and that it maintains at its own cost a body of railway police, for special duty on railways and at railway stations (28,000*l.*); the frontier police, for assisting the frontier departments (2,424*l.*); and a certain number of special "commissaires de police" or police magistrates, in some of the smaller towns not required by law to appoint such officers (8,930*l.*)

In estimating the total expenditure of the State on the various branches of the police force, it must be added that it contributes 17,650*l.* a year to help the poorer communes in the maintenance of their quota, and that 80,000*l.* is set down to secret service money in connexion with the police, and 4,000*l.* to travelling expenses.

Adding all these sums together it will be seen that the share of the State in supporting the police is about 532,500*l.* a year.

With the exception of Paris, Lyons, and the small towns and poorer communes, which receive a limited amount of State assistance as shown above, the entire police force of France is paid out of local funds, unassisted by the central Government, each canton assessing the sums to be contributed by the separate communes, under the control of the Prefect and Departmental Council.

The State however, whatever may be its share, if any, in the payment of any part of the police, maintains an absolute control over the entire force, through the Prefect of Police in Paris, the prefects of the departments, and the mayors of the communes, by whom alone the police is set in motion.

M. de Bunsen.
British Embassy, Paris, June 2, 1889.

Prussia.

(No. 55.)

My Lord, Berlin, March 14, 1891.

With reference to my telegram, No. 2 of the 11th instant, I have the honour to transmit to your Lordship herewith copy and translation of the

report on the police of Berlin, which Baron von Marschall handed to me on that day.

I have, &c..

The Marquis of Salisbury, K.G., &c. &c. &c.

(Signed) *E. B. Malet.*

(Translation.)

1. Berlin.

The police administration consists of six divisions.

The First Division deals with matters of State under police regulation, namely, insurance and emigration, the supervision of foundations and benefit societies, expropriations, sanitary and medical regulations, financial estimates and accounts, street and traffic regulations, in so far as they come under the State police, control of market traffic, prison affairs, water and shipping traffic regulations, the inspection of manufactories, affairs of the police force and fire brigade, and the supervision of theatres.

Sub-divisions of the 1st Division:—

1. Department of the police constables.
2. Department of the fire brigade.
3. Sanitary department.

The Second Division deals with purely local police regulations, namely, trade police regulations (supervision of inns and public-houses, retail trade in brandies, public places of entertainment, except theatres, trade in old clothes, pawnbrokers, offices for the hiring of servants, street messengers, issue of trade licences), issue of shooting licences, sanitary and veterinary regulations (local), especially the examination and settlement of complaints regarding unsanitary dwellings or matters, connected with the supply of water in houses or in courts, sale of poisons, desinfection of cesspools, care of the transport of lunatics, supervision of adopted children and of women who adopt children, supervision over landlords, dormitories, matters connected with poor and relief, requisitions and military matters, supervision of benefit, burial, and death societies, and of public traffic.

The Third Division deals with all building police regulations, with the exception of the construction of streets, which appertains to the municipal authority. The 10 building inspectorates into which Berlin is divided come under this division.

The Fourth Division works all the criminal and public safety police regulations. Under this head are included the public moral regulations, the "morgue," and the editing of the "Central Police Gazette."

The Fifth Division works the police regulations regarding strangers and servants, especially passports, circulation passes, burial passes, certificates of domicile, servants "livrets" (books showing servant's careers), certificates of conduct (Führungsatteste), and the adjustment of disputes regarding the hire of servants. The office for the notification of residence is under this department.

The Sixt Division regulates the police penalties, and deals with all requests made by other authorities in regard to them. The officers charged with the execution of warrants belong to this division.

In addition to these divisions there is the division of the Political police, which is directly under the President of Police. It deals with the press and associations, and is entrusted with watching social democracy.

With regard to the cost of the police administration, the State pays the cost of the "personnel" (salaries, pensions, allowances for residences), and the municipality pays for the "matériel" (maintenance of buildings, hire of official residences, clothing of the police force). The State pays at present 8,000,000 m. (400,000*l.*), and the municipality 1,125,000 m. (56,250*l.*).

The service at present consists of the following members:—

		£
1	President of the Police, salary 11,400 m. . . .	575
	Not including the official residence, and a local allowance of 3,600 m.	180
1	"Superior Government Councillor" (Ober-Regierungsrat), salary 5,700 m.	285
	And an allowance of 1,800 m., Deputy President of the Police	90
5	"Government Councillors" (Regierungsräte), salary 4,200 to 6,000 m.	210—300
	Three of these draw an additional allowance of 900 m.	45
2	"Government and Building Councillors" (Regierungs- und Bauräte), 4,800—6,000 m.	210—300
1	"Industrial Councillor" (Gewerberat) 3,600 m. . .	180
8	"Government Assessor," at 1,500—4,200 m. . . .	75—210
20	"Police Councillor," at 3,000—4,200 m.	150—210
	Two of these draw an additional allowance of 600 m.	30
11	"Police Assessor," 2,100—3,000 m.	105—150

The Service further comprises the following clerks:—

		£
92	Police clerks at 2,100—3,600 m.	105—180
105	Assistant clerks, at 1,800—1,950 m.	90—97½
20	Lower division clerks ("Kanzlisten"), at 1,650—2,100m.	82—105
11	Accountants (Kassenbeamte), 2,100—4,500 m. . .	105—225

Official servants:

66	Messengers, office-keepers, and servants, at 1,000—1,800 m.	50—90

Police Force.

Berlin is divided into 10 Company-Districts (Hauptmanns-schaften).

The force consists of 82 police divisions;—

		£
1	Police colonel, at 6,000 m.	300
16	Police captains, at 3,600—4,200 m.	180—210
108	Police lieutenants, 2,700—3,300 m.	135—165
14	Divisional sergeants, 1,600—2,000 m.	80—100
328	Sergeants, at 1,500—1,800 m.	75—90
3,461	Constables, at 1,100—1,500 m.	55—75

The Criminal Police comprises—

4	Criminal inspectors, at 3,600—4,200 m.	180—210
44	Criminal commissioners, 2,700—3,300 m.	135—165

The town is divided into 10 "Criminal" Districts (corresponding to the 10 Company Districts), the direction of each of which is entrusted to a criminal commissioner. The remaining commissioners are employed in the 4th Division (see above).

	£
All royal officials receive, in addition to their pay, a house allowance, the higher officials 900 m.	45
The second-class officials (including the police lieutenants), 540 m.	27
The lower officials (including the policemen and sergeants), 240 m.	12

Night Service.

Besides the police force there is a special corps of night watchmen, which is entirely maintained by the municipality, but which, in accordance with an agreement of 1837, is placed under the exclusive command and administration of the State. The cost of this corps amounts to 500,000 m. (25,000*l.*).

It is composed of—

		£
1	Night watch inspector, at 1,980 m.	99
51	Night watch sergeants, 1,650 m.	82*l.* 10*s.*
513	Night watchmen, 600 m.	30

The officials of the night watch corps have a uniform different from that of the police.

Fire Brigade.

The fire brigade, although its cost is entirely borne by the municipality, is also under the command and administration of the president of the police (Agreement of 1837). The expenditure amounts to 1,400,000 m., (70,000*l.*)

The brigade consists of—

		£
1	Director of fires, at 9,000 m.	450
1	Chief inspector of fires, at 5,000 m.	250
5	Fire inspectors, at 3,600—4,000 m.	180—200
7	Fire masters, at 2,400—2,750 m.	120—137*l.* 10*s.*
7	Sergeants, at 1,950 m.	97
8	Head engineers, 1,800—2,100 m.	90—105
63	Head firemen, 1,575—1,725	78*l.* 15*s.*—86*l.* 10*s.*
249	Firemen, 1,380—1,500 m.	69—75
439	Hose-men ("Sprizenmänner"), 1,000 m.	50

II.—State of Prussia.

Organisation and Administration of the Police in the State of Prussia.

1. Country Police.—District Police.

The Minister of the Interior is the supreme head of the administration and organisation of the police.

As far as the administration of the police is concerned, however, his actual sway extends merely to the so-called general police, and to certain portions of the trade police (Gewerbe polizei), with whom the police interest, as distinguished from the trade interest, is more pronounced.

The school, educational and medical police are, however, the province of the Minister of Religion, Education, and Medicine; the road, building, and railway police, that of the Minister of Public Works; the greater portion of the trade police, as also the mining police are the province of the Minister for Trade and Commerce, while the agricultural, forest, shooting, fishing, and veterinary (cattle disease) police are that of the Minister of Agriculture, Domains, and Forests.

The administration of the river, water traffic, and harbour police, is in the first instance undertaken by the Ministers of Public Works, and for Trade and Commerce; that of the sanitary police by the Minister of the Interior in conjunction with the Minister of Religion, Education, and Medicine, i. e., the Minister of Public Worship.

The State of Prussia consists of 12 Provinces, East Prussia, West Prussia, Pomerania, Posen, Silesia, Brandenburg, Saxony, Schleswig-Holstein, Hanover, Westphalia, Rhine Province, and Hesse Nassau, the Berlin Circuit, and the Hohenzollern lands.

With the exception of the Province of Schleswig-Holstein, which only presents one Government district, every province embraces two or more Government districts, every Government district a larger or smaller number of circuits which in the Hohenzollern lands—i. e. the Government district of Sigmaringen—are termed chief offices (Oberämter).

In every province the head civil administration is conducted by a President, subject to the Ministers. The President of the province Brandenburg is at the same time President of Berlin, while the Government district

of Sigmaringen is not allotted to a province, but is administered by a Governmental President, subject directly to the Ministers.

As far as the police is concerned, only matters which refer to or are connected with several Governmental districts of their province are entrusted to the Presidental Instruction of 31st December, 1825.

In addition to this under exceptional circumstances, and in case of imminent danger, they have to issue regulations rendered necessary by the moment.

The country police is administered by the Governmental Presidents at the head of the Governmental Districts, for the town of Berlin be the President of police of that place, with the exception of the railway and mining police, and the river and river traffic police on the Vistula, Elbe, as far as its meeting with the Saue, and the Rhine which are entrusted to special officials.

The Presidents and Governmental presidents are each given a representative (Oberpräsidialrat Oberregierungsrat) for all matters entrusted to them personally, as well as the requisite number of counsellors and clerks, who have to carry out their duties according to their instructions. When the circuits consist merely of portions of a large town, they are known as town circuits: otherwise, i. e. when they embrace town and country circuits, or merely country circuits, they are known as country circuits.

A special circuit police exists only in the county circuits, in the town circuits it is amalgamated according to the nature of the circumstance with the local police.

The circuit police is controlled by the counsellors (oberamtmänner) at the head of the administration of the country circuits (oberämter). It consists chiefly in the supervision of the local police officials and the right of issuing ordinances for the entire circuit or for several local police districts.

In addition to this the counsellors are entrusted with certain other branches of the police to be named hereafter.

All officials hitherto mentioned, ministers, presidents, governmental presidents, and their counsellors and clerks, and country counsellors are State officials.

2. Local Police.—(*a.*) General Survey.

The local police embraces almost all forms of public life and intercourse in which it is possible for the police to interfere. Outside of their sphere are the railway and mining police, the river and river traffic and harbour police, which are looked on as belonging to the country police, and which on the Vistula, on the Elbe till its meeting with the Saue and on the Rhine are undertaken by special officials. River traffic directory, otherwise by the governmental presidents or by officials authorised by them.

Besides this, the local police officials have nothing to do with those matters entrusted to the country counsellors, such as high roads, cattle disease, shooting, and also fishing so long as no special officials—head fish masters, and fish masters, &c.—have been appointed.

The local police is everywhere conducted in the King's name by the officials selected and appointed for this purpose by law.

In the town circuits, as has already been stated, the circuit and local police are dentical; the country circuits are divided into town and country local police districts.

As a rule every town forms a separate local police district. In the province of Hanover, in the governmental district Wiesbaden, the province Hesse-Nassau and the Hohenzollern lands this has authority over the country parish circuits and landed estate districts. As opposed to this, in the remaining provinces, and in the governmental district of Cassel, the country local police districts are mostly composed of a larger or smaller number of communes (country parishes and landed estate districts combined), although in this case it is by no means the exception, and not unfrequently occurs that the local police district assimilates itself with the district of a single country parish or a single landed estate district.

The country local police district in the province of East Prussia, West Prussia, Silesia, Brandenburg, Saxony, Pomerania, Schleswig-Holstein and Westphalia are called official districts, in the province of Posen they are known as police districts, in the governmental district Cassel the are called mayors districts, and in the Rhine province they are united with the country mayoralties.

(*b*;) Local Police in Towns.

The management of the local police in the towns is the province of the mayor as a rule; however, it can, subject to the approval of the governmental president, be entrusted to some other member of the magistracy.

The government of the State reserves the right of entrusting, subject to the decision of the Minister of the Interior, the administration of the local police to a special magistrate or state official; this is especially the case in larger and populous town parishes.

At the present time there is a royal police administration in Berlin and in the following towns:—

Konigsberg in Prussia.
Danzig.
Posen.
Breslau.
Charlottenburg.
Potsdam.
Stettin.
Magdeburg.
Hanover and Linden.
Göttingen.
Celle.
Cassel.
Hanau.
Marburg.
Fulda.

Frankfort-am-Main, and the following towns in the country circuit of the same name:—

Wiesbaden.
Coblenz.
Cologne.
Aix-la-Chapelle.

All parishes of these towns have their own night watch, and fire brigade under their own administration. Besides these matters the majority retain in their own hand the administration of other matters, and notably the vigilance police.

The expenses of administration of the local police in those towns in which the above-named police is a town police are defrayed exclusively by the town funds.

In the towns with royal police administration, the town defrays the expenses of those portions of the police that are entrusted to it, and, as a rule, the actual cost of the administration as well; whereas the personal expenditure, viz., the salaries of officials are paid by the State. As an exception to this are the towns in what used to be the districts of Hanover, Kurhesse, and Nassau, where the State Treasury defray sall expenses connected with the police administration as far as this is performed by royal officials, with a provision that the towns pay a fixed and moderate supplement.

The royal police administration in towns is conducted by police presidents or police directors, whose salaries, when they are not in occupation of some other Government post as is the case in certain smaller towns, amounts in Frankfort-am-Main to 7,500 marks, otherwise from 6,000 to 5,400 marks per annum.

The officials under the police presidents and police directors act partly in offices and partly in the executive service.

The former are divided into head and secondary, chancery and sub-officials, the latter into police inspectors, police commissioners, divisional and police sergeants and policemen.

In addition to this, certain police presidents are allowed a Government counsellor or Government lawyer as an assistant and representative in case of their being prevented from work, or in case of absence. Yearly salaries are as follows:—

I.—Office Officials.

1. Police counsellors, from 2,700 to 4,200 marks each.
2. Police lawyers, from 1,800 to 3,000 marks.
3. Secondary officials, Class I., 1,800 to 3,600 marks.
4. Secondary officials, Class II., 1,500 to 1,950 marks.
5. Chancery officials, 1,500 to 2,700 marks.
6. Sub-officials, police messengers, &c., 900 to 1,500 marks.

II.—Executive Officials.

1. Police inspectors, each, from 2,700 to 3,300 marks.
2. Police commissioners, each, from 1,800 to 3,000 marks.

3. Divisional and police sergeants, each, from 1,200 to 2,000 marks.
4. Policemen, each from 1,000 to 1,500 marks.

In additional to this, all officials, who are not provided with free official quarters receive a house allowance which is in proportion to their rank and place of residence. Further particulars of this may be had from the law of 12th May 1873.

In Frankfort-am-Main and in Charlottenburg, however, certain categories of police officials receive special local allowances.

The police presidents and the police directors precede the higher administrative officials, Government counsellors, Government lawyers, and country counsellors.

The great majority of the police counsellors and police lawyers have passed at least a portion of the examinations qualifying them for higher administrative and judicial posts.

At least a half of the secondary officials are selected from military persons entitled to and awaiting to be provided for by the civil authorities, and the remainder from those awaiting to be provided for by the civil authorities for whom a special preparatory service is prescribed.

The posts of chancery and sub-officials, as also those of sergeants and policemen, with the exception of those intended for the criminal service, are exclusively filled by non-commissioned officers who are waiting to be provided for, while among the police inspectors and police commissioners many are to be found who have served as regular officers in the standing army.

The officials entrusted with the management of the town police in the town parishes are provided with the necessary number of administrative and executive officials. The latter are termed police sergeants and police servants. In moderate sized towns they are controlled by police commissioners, and in larger ones by police inspectors. Officials specially selected for the purpose have been provided for night watching in towns, and in many of the larger towns there have been instituted paid firemen, kept on the look-out for fires, and mostly organised on the model of the fire (brigade) institution in Berlin. In many towns there are voluntary firemen under the guidance of the police.

It is incumbent on the town parishes to fill all the posts of secondary and sub-officials of the police service with military persons waiting to be provided for, in so far as suitable persons of this class exist and are attainable within a given time, such as is always the case.

The appointment of all police officials, whom it is the duty of the town authorities to employ, requires the approval of the governmental president. The amount of their salary is decided by a motion of the board of parish directors, or of the town directors, in the province of Hanover, and in Schleswig-Holstein by a local statute.

c. Local Country Police.

The country local police is governed by official representatives in the official districts of the provinces of East Prussia, West Prussia, Silesia,

Brandenburg, Saxony, Pomerania, and Schleswig-Holstein; in the police districts of the province of Posen by district police commissioners; in the province of Westphalia and in the Rhine province by the officials and mayors summoned by the administration of the official districts and country mayoralties; in the province of Hanover by Royal country counsellors; in the country circuit Frankfort by the royal police president of Frankfort-am-Main; in the province of Hesse Nassau with the exception of this country circuit and in the Hohenzollern lands, by the parochial representatives (mayors, magistrates).

As a rule the post of the official representative, that of the official in the province of Westphalia and of the country mayor in the Rhine province is an honorary post administered by the respectable inhabitants of the district.

In these cases the persons entrusted with the administration receive no salary, but only a payment equal to the amount expended by them in their duties.

Should it be impossible to find suitable persons for this honorary post, they are entrusted to paid officials, who are employed permanently in Westphalia and the Rhine province, and provisionally in the other provinces.

The post of district police commissioner in the province of Posen, is never honorary, being always filled by a salaried State official.

The appointment of the official representative, the officials, and the country mayors, is through the president in co-operation with the representatives of the council, such co-operation being regulated by the circuit ordinances; the appointment of the district police commissioner is also through the president without the co-operation of the representatives of the circuit.

Special sums have been allowed by the State to cover the expenses of the country police administration in the provinces and circuits of East Prussia, West Prussia, Silesia, Brandenburg, Saxony, Pomerania, and Schleswig Holstein; the sub-division of these sums is entrusted to the representatives of the provinces and circuits.

Should these sums allotted separately to the official districts be insufficient to defray the expenses, which include the salaries of such subordinate and sub-officials as happen to be necessary, the surplus is to be found by the official district. In Westphalia and in the Rhine province all expenses are defrayed by the official district and the country mayoralties; in Hesse-Nassau with the exception of the country circuit of Frankfort, and in the Hohenzollern lands by the parishes (mayoralty districts). Whereas the expenses for the administration of the country police in the province of Posen and Hanover, as in the country circuit of Frankfort, are defrayed by the State Treasury.

3. Gendarmerie.

Every province of the State is provided with an organisation called "Gendarmerie," to assist the police authorities in maintaining public safety, peace and order, and to support them in administering the laws and regulations.

The gendarmerie is a military organisation in its economical character and discipline, its judicial position and internal constitution, with its own military superiors, having at their head a general, and in all these respects subject to the Minister of War, while in regard to the actual performance of their duty and its obligations they are under the Minister of the Interior.

The Gendarmerie corps is divided into 12 brigades, each embracing a province, including the Rhine province and the Hohenzollern lands.

The brigades are divided into districts, the districts into squads (Beritte), and the squads into patrol districts for single gendarmes.

At the head of every brigade is a brigadier, at the head of every district a district officer, and every squad is under a sergeant.

These sergeants, who were formerly only occupied with military training and control of gendarmes, and were but exceptionally employed in a civil capacity, are now everywhere employed where the (district of the) squad tallies with that of a country counsellor, or embraces merely a portion of such a district, and are also entrusted with the management and control of the civil functions of the gendarmes of their squad.

Every year a certain number of posts of sergeants are filled up afresh, in order to bring about by degrees that the district of no squad shall extend beyond the limits of a circuit.

The patrol districts of the gendarmes generally extend over several localities.

In larger towns there is usually not sufficient space for the regular performance of the duties of the gendarmerie; they have only to act there occasionally, and on special occasions in conjunction with the local police.

With regard to the performance of their civil duties, the gendarmes and the sergeants of those squads which are restricted to a single circuit or portions of a circuit, are under the county counsellors. The gendarmes are not subject to the local police, although they have to carry out their instructions.

The district officers and brigadiers are not subject to civil authority, just as they have, as a rule, no civil obligations to fulfil.

The strength of the gendarmerie corps consists at present, in addition to the General and his staff of:—

12 brigadiers, mostly with rank of colonel.
48 district officers, mostly with the rank of captain or major.
327 sergeants.
1 district and 28 brigade clerks.
1,804 mounted gendarmes.
2,503 foot gendarmes.

Brigadiers are chosen either from staff officers in the standing army or suitable district officers from the gendarmerie.

The district officers are entirely composed of retired officers of the standing army

Suitable mounted gendarmes are promoted to be sergeants, while the gendarmes are recruited from non-commissioned officers of the standing army, and must have served at least nine years in the latter.

All persons belonging to the gendarmerie corps receive their pay and other emoluments out of the State funds.

Their pay, not including house allowance, amounts annually to:—

Brigadiers . . .	6,000	marks each.
District officers .	3,000 to 5,100	marks each.
Sergeants . . .	1,500 to 1,800	„
Gendarmes . . .	1,100 to 1,500	„

4. Uniform—Arms—Use of Arms.

The executive officials of the police, with the exception of those employed in the criminal service, as also the gendarmes, have always to wear uniform when on duty.

There are special uniforms, firstly for the officials of the Royal; secondly, for those of the town police; thirdly, for the gendarmes.

The armament is a part of the uniform. The officials of the executive police service are provided with side weapons, some with firearms; the gendarmes are armed with side weapons, and all carry firearms.

Special regulations apply to the use of arms. They can only be brought into use when milder methods have proved of no avail, and when opposition is so strong, as only to be repulsed with arms. Should such an occasion arise, arms must be used as sparingly as possible.

Translation.

Berlin, December 30, 1891.

The undersigned has the honour to inform Sir E. Malet in reply to his Excellency's note of the 23rd inst., that the President of Police of Berlin is appointed by the State, and that the whole police administration of Berlin and the larger cities of Prussia is also in the hands of the State. Certain branches only of the police of public safety—e. g. the officials entrusted with the supervision of subterranean building in Berlin, are subordinate to the municipal authorities.

(Signed) *Rotenhan.*

His Excellency Sir E. Malet, G.C.B.

Austria.

(No. 51.)

My Lord, Vienna, February 26, 1889.

With reference to jour Lordship's despatch No. 9, of the 14th ultimo, I have the honour to enclose translation of a note wich I received yesterday from the Austro-Hungarian Ministry for Foreign Affairs, containing information on the subject of the police force in Vienna, together with four printed pamphlets*) and a résumé of their contents.

Your Lordship will observe that the Vienna Police Force is administered

(* Not here printed, but see résumé of contents overleaf.

by national authorities, and that the expenditure in Vienna proper is borne to the extent of $69^2/_3$ per cent. out of national and $30^1/_3$ per cent. out of municipal funds.

I have, &c.
(Signed) *A. Paget.*

The Marquis of Salisbury, K.G.,
&c. &c. &c.

Translation.

Vienna, 23rd February 1889.

In reply to the note which Sir A. Paget addressed on the 18th January, the Ministry of Foreign Affairs has the honour to enclose the following pamphlets*):—

(*a.*) The police organisation of Vienna in 1887;
(*b.*) Official instructions for the Vienna police constables (Sicherheits-Wache);
(*c.*) Statutes of organisation and instructions to the institution of detectives (Polizei-Agenten);
(*d.*) Statutes for the warehouse and shop watchmen in Vienna (Gewölbe-Wache);

and to state as follows:—

The Imperial and Royal corps of police constables (Sicherheits Wache) is under the control of the Imperial and Royal police direction, and the proper footing consists of—

1	central inspector	of the	VI.	rank	class.
4	upper inspectors	„	VIII.	„	
11	district „	„	IX.	„	
11	quarter „	„	X.	„	
11	„ „	„	XI.	„	

Also—

38 clerks or officials.
112 police constable (Sicherheits-Wache) inspectors of the upper class.
112 do. do. of the lower class.
2,438 constables, of whom 200 without uniform.

There is further attached to the I. and R. police direction, for purposes of investigation and detection, the I. and R. institute of agents (Detective Institutes), consisting of one controller, 10 inspectors, and 130 agents. Of these, the immediate chief is also the President of Police Direction.

The entire annual expenditure for the corps of constables is 1,910,939 florins (about 160,000*l.*) and for the detective corps 101,620 florins (about 8,500*l.*)

Both the constable and detective corps are maintained by the State, but the commune of Vienna is compelled to contribute towards the local police expenses—and consequently for the maintenance of the constable and detective corps—30·335 per cent. Further, the communes beyond the

*) Not here printed, but see résumé of contents overleaf.

communal district of Vienna, but which are comprised within the police circle of Vienna, are compelled to bear 15 per cent. of the expenses of the detachment of constables assigned to their respective police commissariats.

For the first Vienna communal district (Innere Stadt) there consists, in addition to the constables and detectives, the cellar and warehouse guard ("Gewölbe Wache"), consisting at present of three inspectors, 10 sub-inspectors, and 156 "Gewölbe" constables.

This corps is also subject to the President of the Police Direction of Vienna and its chief duty is at night to secure cellars as well as above ground warehouses and other localities for trade and business from house-breakers and other dangers.

It is maintained by fixed contributions from the occupiers of such warehouses, &c. in the I. District.

The undersigned, &c.
(For the Minister),
(Signed) *Szögyeny.*

Résumé of Contents of Printed Enclosures (Four Pamphlets) enclosed in Sir A. Paget's No. 51, of 23rd February 1889.

1st.—"Polizei-Verwaltung Wiens im Jahre 1887."

Particulars of budgets and composition of the police direction in Vienna, population of Vienna, control over the press, over passports, and personal registration, servants, public conveyances, places of amusements, railways, steamboats, &c., pauperism and vagrants, sanitation and prostitution, houses of refuge and lodging-houses, police cells, &c., &c., &c.; also statistics of crime, &c. in Vienna.

2nd.—"Amts-Unterricht für die K. K. Sicherheits-Wache.

Particulars as to organisation, expenditure, and uniforming of the corps of constables; instructions (see Part 3) as to their duties and conduct when on service; alphabetical list of crimes or occasions on which their intervention is required; instructions as to general conduct and conduct towards the public.

3rd.—"Organisations-Statut, &c. für das Institut der K. K. Polizei-Agenten."

Details as to organisation of police agents and detectives, their instructions, provisions for their payment when employed by private persons or in the public interest.

4th.—"Statut für Gewölbe-Wache."

Organisation of and instructions to warehouse and cellar guards.

(No. 220.)

My Lord, Vienna, July 28, 1889.

With reference to your Lordship's despatch Nos. 81 and 82, of the 21st May last, I have the honour to enclose herewith translation of the

substance of a note which I have received from Count Kalnoky, affording information as to the administration and cost of the police force in the provinces.

Triplicate copies of the books and pamphlets, which formed enclosure in my despatch No. 51 of the 26th February last, are also enclosed together with duplicates of the last report on the police administration of Vienna and of the estimates of the Ministry of the Interior for the current financial year, in which the cost of the provincial police will be found set down at pp. 42 to 43, inclusive.*

I have, &c.,
(Signed) *A. Paget.*

The Marquis of Salisbury, K.G.,
&c. &c. &c.

Translation.

Vienna, July 26, 1889.

Separate provincial police authorities exist in addition to Vienna in the provincial capitals of Prague, Lemberg, Krakow, Trieste, Brünn and Graz, under the denomination of police directions, and in Trient under the name of police commissariat.

The directions of police in Prague, Trieste, Lemberg, and Krakow provide for the local police, and with this object Imperial and Royal corps of guardians of the peace and a civil police corps, together with a police agents institute, are under the police directions in Prague and Trieste, and a military Imperial and Royal police corps, and a civil corps of watchmen, are subordinated to the directions in Lemberg and Krakow.

The police directions in Graz and Brünn, and the commissariat in Trient have only to deal with the State police, and a police agents' institute exists at Graz under the police direction, and in Brünn and Trient civil watchmen's institutes of the same kind.

The local police in the three last-named towns is furnished by the communes, which have their own communal watchmen for this purpose. There is in addition to the above an Imperial and Royal police detachment in the town of Görz.

The communes contribute to the support of these provincial police forces in different ratios; thus the municipality of Prague contributes 50,000 fl. a year, while 10 suburbs of Prague pay 15 per cent. towards the cost of supporting 10 detachments of police stationed in the suburbs in question.

The municipality of Trieste pays $46^1/_2$ per cent. towards supporting the police institute and the police force, and the municipality of Görz 3,000 fl. a year for its police; the municipality of Lemberg pays 50 per cent., and the town of Krakow 35 per cent towards the expense of this military police force.

In addition to the above there are State police commissariats in a number of the more important places on the frontier, and where there is no separate police direction, special police officers are placed under the

* Inclosures not here printed.

direction of the local authorities to provide for the duty of the State police being properly attended to.

In all other towns and villages the police are supplied partly by the local government authorities and partly by the communes.

The communes possess communal watchmen for local purposes whom they employ when required, appoint themselves, and pay for out of their own funds.

The Imperial and Royal gendarmerie, a force organised on the military system, is at the disposal of the local government authorities in the provinces for the maintenance of public security and order.

The Ministry of the Interior has the supreme control over all the provincial police.

Italy.

(No. 79.)

My Lord, Rome, April 1, 1889.

I have the honour, in compliance with the request contained in your Lordship's despatch No. 10, of the 14th of January of this year, to enclose herewith a report on the organisation and relative cost of the Roman police, which has been prepared by Mr. Grant Duff from material furnished by the Italian Ministry of the Interior.

I have, &c.,
(Signed) *Dufferin and Ava.*

The Marquis of Salisbury, K.G.
&c. &c. &c.

Ministry of the Interior.

Organisation and Relative Cost of the Roman Police.

According to the existing laws of the kingdom of Italy there is no separate police organisation in Rome, but the body is governed by the same regulations as those in force in all the other provinces. For this service, which is known as that of public safety, there are two [? four] distinct classes of officials.

1. The employés of the officers of public safety, to whom belong the questori, inspectors, vice-inspectors, and delegates, who wear the uniform of the public safety, and the officers of the judicial police for dealing with matters relating to criminal procedure.

2. The agents drawn from the foot-guards of public safety, who are divided into ordinary agents (in uniform) and auxiliary agents (in plain clothes).

3. The Royal Carabinieri (gens d'armes).

4. The Municipal Guard.

The law regarding the officials of public safety actually in force is that affirmed by the Royal Dectree of November 10, 1884 (section 1). The guards of public safety, divided as above according to the regulation affirmed by the Royal Decree of August 11, 1883 (section 2), and the

Ministerial Orders of February 25, 1888 (section 3), are directly under the control of the officials, and are charged with the execution of the penal and police laws, the detection of crime, the maintenance of public order, and all other matters of general order.

The force of Royal Carabinieri, which forms an integral part of the army, is under the control of the Ministry of the Interior as regards the service of the police in general as ordained by the Royal Patent establishing it (section 4). The Municipal Guard are at the service of the communes, and enforce the observance of the municipal regulations for the city, police lending their services in case of necessity for general police purposes, and the maintenance of public order.

In Rome this body is organised according to the regulation approved by the Ministry of the Interior, October 19, 1886 (section 5).

Having given the above note, we must observe that the personnel of the officers of public safety consists at present in Rome of:—

1 Questore.
18 Inspectors,
84 Vice-inspectors,
103 Delegates,

wose total cost, whice is borne by the State, amounts to—for wages 255,000 lire; official expenses, 12,360 lire; cost of premises, 35,638·60 lire.

For the internal service of the offices there are 25 porters, whose wages amount to 22,500 lire.

The officers of public safety on duty carry a scarf with the national colours as a distinctive mark.

There are 14 offices of public safety in Rome, besides the central residence of the questore, and the town is divided into as many districts. They are under the charge of an inspector, who has inferior officials under his orders.

The guards of public safety consist of one company, of whom the auxiliary agents of the first and second class form an integral part, being always dressed in plain clothes. The first class are employed for the detection of crime, and for the discovery and arrest of malefactors. Those of the second class in the compilation of the census statistics recently instituted. This company furnishes the above-mentioned offices with its agents, and consists of:—

1 Major.
1 Captain.
1 Lieutenant.
9 Marescialli.
20 Brigadiers.
30 Sub-brigadiers.
568 including ordinary guards and picked men, without distinction between ordinary and auxiliary agents.

630

Three doctors and one elementary schoolmaster are charged with the health and instruction of the agents; but they are considered as being specially employed, and not according to any fixed rule.

The total cost of the above mentioned body, for pay, increased pay, barracks, and quarters, amounts to 912,156·05 lire.

Half the expense of the inferior force, exclusive of the three officers, the doctors and the schoolmaster, is borne by the commune, which also entirely bears the expense of the barracks and quarters. The other half is borne by the State, which is charged also with the lodging of the married auxiliary and ordinary agents who live outside the barracks.

The body of Royal Carabinieri has the head-quarters of one of its legions at Rome, each of which embrace several provinces, but, for local duty, they consist of :—

1	Lieutenant-Colonel.	
1	Captain,	Infantry.
2	Lieutenants,	
15	Marescialli,	
8	Brigadiers,	
27	Vice-brigadiers,	
184	Carabinieri,	
1	Maresciallo,	Cavalry.
2	Brigadiers,	
3	Vice-Brigadiers	
24	Carabinieri,	
288		

with a total cost of 275,111·47 lire of wich 45,346·72 lire is borne by the province for lodging and quarters.

The municipal guard are organised as follows:—

1	Chief inspector,	Infantry.
6	Inspectors,	
10	Marescialli,	
14	Brigadiers,	
28	Under brigadiers,	
491	Guards,	
1	Maresciallo,	Cavalry.
2	Brigadiers,	
2	Sotto brigadieri,	
30	Guardie,	
585		

Total cost, 895,927 lire.

To recapitulate, the officials and agents charged with the police of the capital of the kingdom of Italy number 1,611 men, and cost 2,408,693·12 lire, the expense being borne by the State, the commune, and by the province, ac stated below:—

	Lire	Lire
Borne by the State:—		
Pay of the officers of public safety .	255,000	
Cost of offices	12,360	
Rent of premises for offices	39,638·60	
Porters' wages	22,500	
	325,498·60	
		325,498·60
Half the pay of the personnel of the guards of public safety including the auxiliary agents and the whole of the pay of the three officers .	358,850	
Pay of the three doctors and the elementary schoolmaster	3,400	
Extra pay for lodging	72,468	
Extra pay for auxiliary agents of 1st class	11,280	
Allowance for lodging for ordinary agents who are married	29,800	
	475,798	
		475,798
Total		801,296.60
Pay of personnel of carabinieri . .	217,765·75	
Allowance for arms to officers . . .	5,800	
Allowance for horses	1,600	
Allowance for forage	4,599	
	229,764·75	
		229,764·75
Total		1,031,061·39
Borne by the commune :—		
Half the pay of the personnel of the guards of public safety, including the auxiliary agents, except the three officers	351,350	
Rent of barracks . . . . , . .	55,008·05	
Quarters	30,000	
	436,358·05	
		436,358·05
Pay of the municipal guards (infantry and cavalry)	742,460	
Bonus on enlistment	27,500	
Clothing, arms, &c.	31,392	
Forage and harness for horses . . .	40,220	
Barracks	28,355	
Quarters	26,000	
	895,927	
		895,927
Total		1,332.285·05

Borne by the province:—

	Lire
Allowance for lodgings to the officers of the Royal Carabinieri	6,655·92
Barracks for the privates	27,040
Quarters	11,650·80
	45,346·72

Total expenditure:—

	Lire.
Borne by the State	1,031,061·35
Borne by the commune	1,332,285·05
Borne by the province	45,346·72
	2,408,693.12

To this notice is added a copy of the recent laws passed on the subject of the public safety dated 23 December 1888 (section 6).*)

Rome, 15 March 1889.

(No. 138.)

My Lord, Rome, June 19, 1889.

With reference to your Lordship's despatches Nos. 108 and 109, of the 21st ultimo, I did not fail to apply to the proper authorities for information as to the proportion and relative position to each other of the guards of public safety, the carabinieri, and the municipal police, as well as further information as to their several functions and organisation.

I have now the honour to forward to your Lordship copy and translation of a note which I have received in reply from the Secretary of State for Foreign Affairs, transmitting a memorandum addressed by the Minister of the Interior to his Excellency giving in full detail the required information.

Annexed to this memorandum your Lordship will find copies*) of all legislative dispositions with regard to the various police forces in this country now in vigour.

I have, &c.,

The Marquis of Salisbury, K.G., (Signed) *H. N. Dering.*
&c. &c. &c.

Translation.

Monsieur le Chargé d'Affaires, Rome, June 17, 1889.

With reference to your note dated May 25th last, I have the honour to transmit to you the enclosed copy of a note from the Ministry of the Interior together with a packet of documents giving detailed particulars on the subject of the organisation of our police.

I have, &c.

H. N. Dering, Esq., (Signed) *Damiani.*
&c. &c.

*) Not here printed.

Translation.

Copy of a Note addressed by the Royal Ministry of the Interior to the Royal Ministry of Foreign Affairs, dated June 8, 1889, No. $\frac{9,647-1}{142,007}$.

In order that this Ministry may comply with the request of the British Embassy, as stated in the despatch of June 1, Division I., section 1, No. $\frac{20,410}{1,264}$, I hasten to give the following particulars with reference to the respective questions.

1. The Royal carabinieri and the guards of public safety, which form the principal nucleus of the agents of public safety who are absolutely under the orders of the Government, fulfil all the services of investigation and repression of crime connected with public order and correctional justice according to the laws in force.

The municipal guards, on the contrary, who are subject to the various communes, watch over the working of the urban sanitary and public works, police regulations, and are not in this case controlled by the offices of public safety. They assist actually, however, in the maintenance of public order and in the arrest of malefactors taken red-handed, because they are also by law invested the power of agents of public safety.

In October 1879, in order more effectually to unite the interests of those connected with the guardianship of persons and property, it was ordained by ministerial decree that in the principal cities of the kingdom the service of Royal Carabinieri, guards of public safety, and the municipal guards, without in any way modifying their respective organisations, should be carried out cumulatively for the purpose of obtaining more direct co-operation among all these agents in their ordinary duties, and more especially in the services of beats and patrol duty for the purpose of the so-called detection of crime (perlustrazione).

2. The numerical proportion respectively between officers and men of the guards of public safety, the Royal Carabinieri, and the agents of the municipal police in the other provinces of the kingdom, cannot be said to be precisely the same as it is in Rome, as this is arranged in proportion to the population and to the greater or less requirements of service.

In the hope that this note will answer the wish expressed, I enclose copies of the publications referring to regulations and legislation requested in the despatch above mentioned.

For the Minister,
(Signed) *Berti.*

Spain.

(No. 32.)

My Lord, Madrid, March 13, 1889.

With reference to your Lordship's despatch No. 6, of the 14th of January last, relative to the information required respecting the organisation of the Madrid police force, I have the honour to transmit, herewith, to your Lordship, translation of a note which I have received from the Spanish

Minister of State, and in which his Excellency forwards to me a book containing the regulations affecting that force.*)

I trust that the information thus afforded may meet your Lordship's requirements, if not I shall be happy to institute further inquiries.

The expenditure of the Madrid polic is borne by national funds.

I should mention that in this capital there exists, in addition to the regular police, a body of men called the "agentes municipales," whose duty consists in watching over the cleansing of the streets, in the examination of articles of food hawked about the streets for consumption, in affording assistance in case of street casualties, and also, should their aid be required, in assisting the regular police in their duties.

The cost of the "agentes municipales" is defrayed by the municipal funds.

I have, &c.,

The Marquis of Salisbury, K.G., (Signed) *Francis Clare Ford.*
&c. &c. &c.

Translation.

Sir, Ministry of State, March 9, 1889.

In reply to your Excellency's note of the 16th ultimo, I have the honour to transmit*) herewith a copy of the regulations for the corps of safety and vigilance, which has been sent me to forward on to your Excellency by the Minister of the Interior.

I avail myself, &c.,

The British Ambassador. (Signed) *Vega de Armijo.*

Translation.

Sir, Ministry of State, July 30, 1889.

In reply to your Excellency's note of the 26th May last, I have the honour to transmit*) herewith two copies of the regulations under which the police forces are organised, and several books and forms in use in the police offices.

At the same time I am to inform your Excellency that the organisation of the police is exactly the same in every province, and that they are under the superintendence of the civil government of the province, and the expenses of their maintenance are provided for by the State, and are therefore included in the budget relative to that service.

I avail myself, &c.

His Excellency (Signed) *Marquis de la Vega de Armijo.*
Sir C. Ford, G.C.B.

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*) Inclosures not here printed.

32.

ALLEMAGNE, AUTRICHE-HONGRIE, BELGIQUE, DANEMARK, ESPAGNE, ÉTAT INDÉPENDANT DU CONGO, FRANCE, GRANDE-BRETAGNE, ITALIE, PAYS-BAS, PORTUGAL, RUSSIE, SUÈDE ET NORVÈGE.

Protocole destiné à donner exécution à l'article XCIX de l'Acte Général de Bruxelles et du Protocole du 2 juillet 1891; signé à Bruxelles le 2 janvier 1892.

Staatsblad van het Koninkrijk der Nederlanden.

Protocole de la séance tenue à Bruxelles, au Département des Affaires Étrangères, le 2 janvier 1892 *), en exécution de l'article XCIX de l'Acte Général de Bruxelles et du Protocole du 2 juillet 1891.

Étaient présents:

Pour l'Allemagne;

M. le Prince de la Tour et Taxis, Chargé d'affaires d'Allemagne a Bruxelles.

Pour l'Autriche-Hongrie:

Son Excellence M. le Comte Khevenhüller-Metsch, Ministre d'Autriche-Hongrie à Bruxelles.

Pour la Belgique:

M. le Baron Lambermont, Ministre d'État.

M. E. Banning, Directeur Général au Ministère des Affaires Étrangères.

Pour le Danemark:

M. F. G. Schack de Brockdorff, Consul Général de Danemark à Anvers.

Pour l'Espagne:

Son Excellence M. Gutierrez de Aguëra, Ministre d'Espagne à Bruxelles.

Pour l'État Indépendant du Congo:

M. Van Eetvelde, Secrétaire d'État de l'Intérieur de l'État Indépendant du Congo.

Pour la France:

Son Excellence M. Bourée, Ministre de France à Bruxelles.

Pour la Grande-Bretagne:

Son Excellence Lord Vivian, Ministre de Sa Majesté Britannique à Bruxelles.

Sir John Kirk.

Pour l'Italie:

Son Excellence M. le Baron de Renzis, Ministre d'Italie à Bruxelles.

Pour les Pays-Bas:

Son Excellence M. le Baron Gericke de Herwynen, Ministre des Pays-Bas à Bruxelles.

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*) V. **N. R. G.** 2e série XVII, 391 sqs.

Pour le Portugal:

Son Excellence M. d'Antas, Ministre de Portugal à Bruxelles.

Pour la Russie:

Son Excellence M. le Prince Ourousoff, Ministre de Russie à Bruxelles.

Pour la Suède et la Norvège:

Son Excellence M. de Burenstam, Ministre de Suède et de Norvège à Bruxelles.

Pour la Turquie:

Son Excellence Carathéodory Efendi, Ministre de Turquie à Bruxelles.

Pour le Zanzibar:

Sir John Kirk.

Les soussignés se sont réunis au Ministère des Affaires Etrangères à Bruxelles, conformément à l'article XCIX de l'Acte Général du 2 juillet 1890, et en exécution du Protocole du 2 juillet 1891, afin de dresser acte du dépôt des ratifications de celles des Puissances signataires qui n'ont pas accompli cette formalité à la réunion du 2 juillet 1891.

Son Excellence le Comte Khevenhüller-Metsch fait connaître à l'Assemblée que l'instrument des ratifications de Sa Majesté I. et R. Apostolique sur l'Acte Général et la Déclaration du 2 juillet 1890, a été déposé au Ministère des Affaires Etrangères de Belgique le 3 juillet 1891.

Son Excellence le Prince Ourousoff dépose l'instrument des ratifications de Sa Majesté l'Empereur de toutes les Russies sur l'Acte Général et la Déclaration du 2 juillet 1890.

Son Excellence Carathéodory Efendi dépose l'instrument des ratifications de Sa Majesté l'Empereur des Ottomans sur l'Acte Général et la Déclaration du 2 juillet 1890.

Son Excellence déclare, conformément à une communication qui a été portée à la connaissance des Puissances signataires, sans soulever d'objection de leur part, que le Gouvernement impérial ottoman interprète l'article XXXIV de l'Acte Général en ce sens que les inscriptions prescrites par cet article seront faites, en ce qui concerne les navires ottomans, en caractères et en chiffres turcs. La Sublime Porte, toutefois, n'a pas d'objection à ce qu'une traduction en caractères latins soit ajoutée aux inscriptions faites en caractères turcs.

Il est donné acte à M. le Ministre de Turquie de sa déclaration.

Il est donné également acte à MM. les Ministres d'Autriche-Hongrie, de Russie et de Turquie du dépôt des ratifications de leurs Souverains.

Son Excellence M. Bourée dépose l'instrument des ratifications du Président de la République française sur l'Acte Général et la Déclaration du 2 juillet 1890.

Son Excellence déclare que le Président de la République, dans ses ratifications sur l'Acte Général de Bruxelles, a provisoirement réservé, jusqu'à une entente ultérieure, les articles XXI, XXII et XXIII, ainsi que les articles XLII à LXI.

Les Représentants des Puissances donnent acte à M. le Ministre de France du dépôt des ratifications du Président de la République française, ainsi que de l'exception portant sur les articles XXI, XXII et XXIII, et sur les articles XLII à LXI.

Il est entendu que les Puissances ayant ratifié l'Acte Général dans son entier se reconnaissent réciproquement liées entre elles pour toutes ses clauses.

Il est également entendu que ces Puissances ne seront tenues à l'égard de celle qui a ratifié partiellement que dans la limite des engagements souscrits par cette dernière.

Enfin, il reste bien entendu qu'à l'égard de la Puissance ayant ratifié partiellement, les matières faisant l'objet des articles XLII à LXI continueront, jusqu'à un accord ultérieur, à être régies par les stipulations et arrangements actuellement en vigueur.

M. le Baron Lambermont, l'un des Représentants de la Belgique, communique à l'Assemblée la lettre suivante, qui a été adressée à M. le Ministre des Affaires Étrangères de Belgique par S. E. M. le Ministre de France:

„Légation de France en Belgique. „Bruxelles, le 31 décembre 1891.

„Prince,

„Dans la note verbale en date du 18 de ce mois, remise le même jour à M. le Ministre des Affaires Étrangères de France par M. le Baron Beyens, le Gouvernement Belge a appelé l'attention du Gouvernement de la République sur les conditions dans lesquelles pourraient être appliqués, dans certaines possessions françaises, les articles XXX à XLI de l'Acte Général de la Conférence de Bruxelles. Ces articles concernent la concession du pavillon aux bâtiments indigènes, le rôle d'équipage et le manifeste des passagers noirs. En constatant l'importance de ces articles et en rappelant qu'ils étaient dus à l'initiative de la France, le Gouvernement du Roi Léopold a fait observer qu'ils n'étaient applicables que dans les ports de la zone visée par l'article XXI, lequel est réservé par la France. Il a demandé, en conséquence, que le Représentant de la République à Bruxelles fût autorisé a faire connaître les intentions du Cabinet de Paris à ce sujet.

D'ordre de mon Gouvernement et conformément aux voeux exprimés dans la note précitée, j'ai l'honneur de faire savoir à Votre Excellence que les dispositions contenues dans les articles XXX à XLI de l'Acte Général de Bruxelles seront appliquées spontanément par le Gouvernement de la République dans le territoire d'Obock et, suivant les nécessités, dans l'île de Madagascar et les Comores.

Veuillez agréer, Prince, les assurances de ma haute considération."

(Signé) *A. Bourée.*

Son Excellence
Monsieur le Prince de Chimay, Ministre
des Affaires Étrangères, etc., etc., etc.

Son Excellence le Baron Gericke de Herwynen déclare, au nom de son Gouvernement, qu'en signant le Protocole de ce jour, il est tenu de faire observer que les dispositions constitutionnelles qui régissent les Pays-Bas exigent que ce Protocole reçoive l'approbation des États Généraux. Cette approbation n'ayant pu être demandée avant le 2 janvier, le Gouvernement de la Reine Régente se propose d'y pourvoir dès la rentrée des Chambres.

Il est donné acte à M. le Ministre des Pays-Bas de sa déclaration.

Les ratifications de Sa Majesté l'Empereur d'Autriche-Hongrie, du Président de la République fraçaise, de Sa Majesté l'Empereur de toutes les Russies, de Sa Majesté l'Empereur des Ottomans sont, après examen, trouvées en bonne et due forme. Ces documents, conformément aux prescriptions de l'article XCIX, resteront déposés, avec les instruments des ratifications qui ont été remis le 2 juillet 1891, dans les archives du Gouvernement du Royaume de Belgique.

Les Représentants des Puissances donnent acte aux Représentants de la Belgique de ce dépôt.

Son Excellence M. d'Antas déclare que les circonstances n'ayant pas permis aux Chambres portugaises de se prononcer sur l'Acte Général et la Déclaration du 2 juillet 1890, il est chargé par son Gouvernement de demander que le Protocole demeure ouvert pour le dépôt des ratifications de Sa Majesté Très Fidèle jusqu'à la date du 2 Février 1892.

L'Assemblée donne son assentiment a la prorogation de délai proposée par M. le Ministre de Portugal.

En foi de quoi a été dressé le présent Protocole, dont une copie certifiée sera transmise par les soins du Gouvernement de Sa Majesté le Roi des Belges à chacune des autres Puissances ayant signé l'Acte Général et la Déclaration du 2 juillet 1890.

Fait à Bruxelles, le 2 janvier 1892.

Prince F. de la Tour et Taxis.
R. Khevenhüller.
Lambermont.
E. Banning.
Schack de Brockdorff.
J. G. de Aguëra.
Edm. van Eetvelde.
A. Bourée.
Vivian.
John Kirk.
F. de Renzis.
L. Gericke.
M. d'Antas.
L. Ourousoff.
Burenstam.
E. Carathéodory.
John Kirk.

Pour la Perse:
Son Excellence le Général Nazare-Aga, Ministre de Perse à Bruxelles
Le 3 janvier 1892.

Nazare-Aga.

33.

ÉTATS-UNIS D'AMÉRIQUE, VÉNÉZUÉLA.

Arrangement pour mettre fin par voie d'arbitrage aux réclamations de la „Venezuela Steam Transportation Company"; signé à Caracas le 19 janvier 1892.*)

Treaties and Conventions 1894.

The Government of the United States of America and the United States of Venezuela, being mutually desirous of removing all causes of difference between them in a manner honorable to both parties and in consonance with their just rights and interests, have resolved to submit to arbitration the claim of the "Venezuela Steam Transportation Company", and have respectively named as their plenipotentiaries to conclude a Convention for that purpose:—

The President of the United States of America, William L. Scruggs, Envoy Extraordinary and Minister Plenipotentiary of the United States at Caracas.

And the President of the United States of Venezuela, Doctor Rafael Seijas, legal adviser for the Department of Foreign Relations;

Who, after having exhibited their respective full powers, found in good and due form, have agreed upon the following Articles:—

Art. 1. — The high contracting parties agree to submit to arbitration the question whether any, and, if any, what indemnity shall be paid by the Government of the United States of Venezuela to the Government of the United States of America for the alleged wrongful seizure, detention and employment in war or otherwise of the Steamships Hero, Nutrias and San Fernando, the property of the "Venezuela Steam Transportation Company" a corporation existing under the laws of the State of New York, and a citizen of the United States and the imprisonment of its officers, citizens of the United States.

Art. 2. — The question stated in Article I., shall be submitted to a board of three Commissioners, one to be appointed by the President of the United States of America, one by the President of the United States of Venezuela, and the third who shall not be either an American or a Venezuelan citizen, to be chosen by the two appointed as aforesaid; but if, within ten days from the time of their first meeting as hereinafter provided, they cannot agree upon the third Commissioner, the Secretary of State of the United States and the Venezuelan Minister at Washington shall forthwith request either the Diplomatic representative of Belgium or that of Sweden and Norway at that capital to name him subject to the restriction aforesaid.

The Commissioners to be chosen by the President of the United

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*) Ratifié à Washington le 28 juillet 1894.

States of America and the President of the United States of Venezuela shall be appointed within a month from the date of the exchange of the ratifications of this Convention.

In case of the death, resignation or incapacity of any of the Commissioners, or in the event of any of them ceasing or omitting to act, the vacancy shall be filled in the same manner as is herein provided for the original appointment.

Art. 3. — The Commissioners appointed by the President of the United States of America and the President of the United States of Venezuela shall meet in the city of Washington at the earliest convenient moment within three months from the date of the exchange of the ratifications of this Convention, and shall proceed to the selection of a third Commissioner.

When such Commissioner shall have been chosen, either by agreement between the two first named, or in the alternate manner hereinbefore provided, the three Commissioners shall meet in the city of Washington at the earliest practicable moment within five months from the date of the exchange of the ratifications of this Convention, and shall subscribe, as their first act, a solemn declaration to examine and decide the claim submitted to them in accordance with justice and equity and the principles of international law.

The concurrent judgment of any two of the Commissioners shall be adequate for the decision of any question that may come before them, and for the final award.

Art. 4. — The Commissioners shall decide the claim on the Diplomatic correspondence between the two Governments relative thereto, and on such legal evidence as may be submitted to them by the high contracting parties within two months from the date of the first meeting of the full Commission.

Their decision shall be rendered within three months at farthest from the date of such first meeting, and shall be final and conclusive.

They shall hear one person as Agent in behalf of each Government and consider such arguments as either of such persons may present; and may, in their discretion, hear other counsel either in support of or in opposition to the claim.

Art. 5. — If the award shall be in favor of the United States of America, the amount of the indemnity, which shall be expressed in American gold, sharil be paid in cash at the city of Washington, in equal annual sums, without interest, within five years from the date of the award, the fitrt of the five payments to be made within eight months from that date. Each Government shall pay its own commissioner and agent, and all other expenses including clerk hire shall be borne by the two Governments in equal moieies.

Art. 6. — This Convention shall be ratified by the President of the United States of America by and with the advice and consent of the Senate thereof; and by the President of the United States of Venezuela, with the approval of the Congress thereof; and the ratifications shall be exchanged at Washington as soon as possible.

In witness whereof, the respective plenipotentiaries have signed and sealed the present Convention in duplicate, in the English and Spanish languages.

Done at Carácas this nineteenth day of January, in the year of our Lord one thousand eight hundred and ninety-two.

(seal.) *William L. Scruggs.*
(seal.) *Rafael Seijas.*

34.

NORVEGE, ESPAGNE.

Convention prorogeant le traité de commerce du 15 mars 1883 en tant qu'il concerne la Norvège; signée à Madrid le 24 janvier 1892.*)

Overenskomster med fremmede Stater 1892 No. 1 Udgiver E. R. Bätzmann.

Convention entre Sa Majesté le Roi de Suède et de Norvège et Sa Majesté la Reine Régente d'Espagne, au nom de Son Auguste Fils, Sa Majesté le Roi Alphonse XIII, signée à Madrid le 24 Janvier 1892, et prorogeant le Traité de Commerce du 15 Mars 1883 en tant qu'il concerne la Norvège.

Sa Majesté le Roi de Suède et de Norvège, et Sa Majesté la Reine Régente d'Espagne, au nom de Son Auguste Fils Sa Majesté le Roi Alphonse XIII.

Egalement animés du désir de ne pas voir s'interrompre les relations commerciales entre la Norvège et l'Espagne, par suite de la dénonciation du traité de commerce actuel qui expirera la 1er Février prochain, ont résolu de proroger le dit traité en tant qu'il concerne la Norvège et à cet effet ont nommé pour leurs Plénipotentiaires respectifs savoir:

Sa Majesté le Roi de Suède et de Norvège:

Monsieur Frédérik Hartvig Herman, Baron de Wedel Jarlsberg, Son Ministre Plénipotentiaire près Sa Majesté Catholique, Chevalier de l'Ordre de l'Etoile Polaire etc. etc.

Sa Majesté la Reine Régente d'Espagne:

Don Carlos O'Donell y Abren, Duc de Tetuan, Marquis de Altamira, comte de Lucena, Grand d'Espagne, Senateur du Royaume, Général de Brigade, Grande Croix de l'Ordre militaire du Saint Hermenégilde d'Espagne, du Saint Etienne d'Hongrie etc. etc. Son Ministre d'Etat.

Lesquels, après s'être communiqué Leurs Pleins Pouvoirs, trouvés en bonne et due forme, sont convenus des Articles suivants:

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*) Ratifications échangées à Madrid le 11 février 1892.

Art. 1. — Le traité de Commerce conclu la 15 Mars 1883 entre l'Espagne et la Suède et la Norvège sera prorogé et restera en vigueur jusqu'au 30 Juin 1892 en tant qu'il concerne la Norvège.

Art. 2. — Seront exceptés des effets de cette prorogation les eaux de-vie et alcools norvégiens, lesquels seront assujettis à leur entrée en Espagne aux droits établis dans les nouveaux tarifs de Douane qui entreront en vigueur le 1er Février prochain.

Art. 3. — La présente Convention sera ratifiée et les ratifications en seront echangées à Madrid dans le plus bref délai possible et sera exécutoire à partir du 1er Février prochain.

En foi de quoi les Plénipotentiaires l'ont signée et y ont apposé les cachets de leurs armes.

Fait à Madrid en double expédition le vingt-quatre Janvier mil huit cent quatre-vingt-douze.

(signé) *F. H. Wedel Jarlsberg.*
(signé) *Le Duc de Tetuan.*

Note du Ministri Plénepotentiaire de Suède et de Norvège au Ministre d'Etat de Sa Majesté Catholique, en date du 24 Janvier 1892.

Avant de procéder à la signature de la Convention, prorogeant à partir du 1 Février jusqu'au 30 Juin prochain le Traité de Commerce du 15 Mars 1883 en tant qu'il concerne la Norvège, il semble nécessaire au Gouvernement de Sa Majesté le Roi de Suède et de Norvége de bien préciser l'interprétation de cette Convention ainsi que la portée de la restriction y faite pour les alcools,

Le Gouvernement Norvégien désire qu'il soit entendu que les avantages douaniers accordés à un autre pays que l'Angleterre, les Pays-Bas ou la Russie, pour ce qui concerne les eaux de vie et alcools, reviendront aussi à la Norvège pour son importation en Espagne de cet article. En outre le Gouvernement Norvégien comprend que le terme employé dans la Convention „jusqu'au 30 Juin" veut dire jusqu' à et y compris le 30 Juin.

Le Soussigné se trouve donc chargé de s'assurer qu'à ces sujets l'interprétation du Gouvernement de Sa Majesté Catholique s'accorde avec celle du Gouvernement de Sa Majesté le Roi de Suède et de Norvège et en ayant l'honneur à cet effet de s'adresser à l'intermédiaire obligeant de Son Excellence Monsieur le Ministre d'Etat le Soussigné saisit avec plaisir l'occasion etc. etc.

Note du Ministre d'Etat de S. M. Catholique au Ministre Plénipotentiaire de Suède et de Norvège, en date du 24 Janvier 1892.

El que suscribe ha tenido la honra de recibir la Nota que el Señor Ministro Plenipotenciario de Suecia y Norvega en esta Corte se ha servido dirigirle con fecha de hoy manifestando que antes de proceder á la firma del Convenio prorrogando hásta 30 de Junio proximo en la parte que se refiere à Norvega, el Tratado de Comercio entre España y los Reinos Unidos, de 15 de Marzo de 1883, desea, por encargo de su Gobierno, que se aclaren y precisen las clausulas de exclusion de los alcoholes y duracion de dicho Convenio.

El Gobierno español está de acuerdo con el de Suecia y Norvega en que si se extendiesen á cualquier otro pais las ventajas arancelarias de que gozarán hásta 30 de Junio — Finlandia, Inglaterra y los Paises Bajos, con respecto à los aguardientes y alcoholes importados en España directamente de estas naciones, iquales beneficios se arcordarian á dichos productos de fabricacion y procedencia norvega.

Del propio modo está conforme el Gobierno de S. M. con el de los Reinos Unidos al interpretar la frase „hásta 30 de Junio" en el sentido de que la duracion del Convenio de prórroga comprenda á dicho dia inclusive, es decir, alcance hasta las doce de la noche del 30 de Junio.

Al manifestar lo que precede al Señor Ministro Plenipotenciario de S. M. el Rey de Suecia y Norvega, el que suscribe aprovecha la oportunidad para rogarle trasmita à su Gobierno el agradecimiento del de España por la favorable acogida que ha obtenido su propuesta de prórroga del Tratato y se sèrva expresarle la satisfaccion con que el de S. M. Católica vé que continuan sin interrupcion las buenas y amistosas relaciones comerciales entre ambos paises.

El infrascrito se complace etc. etc.

Note du Ministre Plénipotentiaire de Suède et de Norvège au Ministre d'Etat de Sa Majesté Catholique, en date du 27. Janvier 1892.

Le Gouvernement de Sa Majesté le Roi de Suède et de Norvège et le Gouvernement de Sa Majesté Catholique étant convenus d'appliquer le principe de l'arbitrage pour le cas de divergences de vue sur l'interprétation de la Convention, signée le 24 de ce mois entre la Norvége et l'Espagne, le Soussigné a été à cet effet autorisé par son Gouvernement de déclarer que l'article 2 de la Déclaration du 23 Juin 1887 sera applicable à la Convention précitée.

En portant ce qui précède à la connaissance de Monsieur le Ministre d'Etat de Sa Majesté Catholique, le Soussigné profite de cette occasion etc. etc.

Note du Ministre d'Etat de S. M. Catholique au Ministre Plénipotentiaire de Suède et de Norvège, en date du 27 Janvier 1892.

Habiendo convenido el Gobierno de S. M. Católica y el Gobierno de S. M. el Rey de Suecia y Norvega en aplicar el principio del Arbitrage en caso de divergencia, acerca de la interpretacion del Convenio firmado el dia 24 del corriente entre España y Norvega, el que suscribe declara en nombre de su Gobierno, que el articulo 2º de la Declaracion de 23 de Junio de 1887 será aplicable al Convenio citado.

Al tener el gusto de ponerlo en conocimiento del Señor Ministro Plenipotenciario de S. M. el Rey de Suecia y Norvega, el que suscribe aprovecha la oportunidad etc. etc.

35.

SUEDE, ESPAGNE.

Convention concernant les relations commerciales; signée à Madrid le 24 janvier 1892 *).

Svensk Författnings-Samling 1892 No. 2.

Sa Majesté le Roi de Suède et de Norvège et

Sa Majesté la Reine Régente d'Espagne, au nom de Son Auguste Fils, Sa Majesté le Roi Alphonse XIII, également animés du désir de ne pas voir s'interrompre les relations commerciales entre la Suède et l'Espagne par suite de la dénonciation du traité de Commerce actuel, qui expirera le 1er Février prochain, ont résolu de se concerter sur un Modus vivendi, qui réglera lesdites relations pendant les négociations pour une nouvelle convention, et à cet effet ont nommé pour Leurs Plénipotentiaires respectifs, savoir:

Sa Majesté le Roi de Suède et de Norvège, M. Frédéric Hartvig Herman, Baron de Wedel-Jarlsberg, Son Ministre Plénipotentiaire près Sa Majesté Catholique, Chevalier de l'Ordre de l'Etoile Polaire etc. etc.

Sa Majesté la Reine Régente d'Espagne, Don Cárlos O'Donell y Abreu, Duc de Tetuan, Marquis de Altamira, Comte de Lucena, Grand d'Espagne, Sénateur du Royaume, Général de Brigade, Grand' Croix de l'Ordre Militaire du Saint Herménégilde d'Espagne, du Saint Etienne de Hongrie etc. etc., Son Ministre d'Etat. Lesquels après s'être communiqué Leurs Pleins Pouvoirs, trouvés en bonne et due forme, sont convenus des articles suivants:

Hans Majestät Konungen af Sverige och Norge och

Hennes Majestät Drottningen-Regentinnan af Spanien i Hennes Höge Son Hans Majestät Konung Alfons XIIIs nomn, lifvade af en ömsesidig önskan att handelsförbindelserna mellan Sverige och Spanien icke måtte rubbas i följd af uppsägningen af den nu gällande handelstraktat, som tilländalöper den 1 nästkommande Februari, hafva beslutat att öfverenskomma om en „modus vivendi" i afseende å dessa förbindelser under tiden för underhandlingar om en ny öfverenskommelse, och hafva för sådant ändamål till sine respektive fullmägtige utsett:

Hans Majestät Konungen af Sverige och Norge, Baron Fredrik Hartvig Herman Wedel Jarlsberg, Dess Ministre plénipotentiaire hos Hans Katolska Majestät, Riddare af nordstjerne orden m. m.:

Hennes Majestät Drottningen-Regentinnan af Spanien, Don Carlos O'Donell y Abreu, Hertig af Tetuan, Markis af Altamira, Grefve af Lucena, Grand af Spanien, Senator, Brigadgeneral, Storkors af spanska militärorden Saint Herménégilde och af Ungerska St. Stefans orden m. m., Dess Statsminister, hvilke, efter att hafva meddelat hvarandra sina fullmagter, som befunnos i god och behörig form, öfverenskommit om följande artiklar:

*) Les ratifications ont été échangées à Stockholm et à Madrid le 27 janvier 1892.

Art. 1. — Le Gouvernement de Sa Majesté la Reine Régente d'Espagne concédera au Royaume de Suède, à partir du 1er Février jusqu' au 30 Juin 1892, le traitement de la nation la plus favorisée en tout ce qui concerne le Commerce en Espagne et les Provinces Espagnoles d'Outremer.

Seront exceptés de cette concession les eaux-de-vie et alcools Suédois, qui payeront à leur entrée en Espagne les droits établis dans les tarifs de Douane publiés dans la Gazette de Madrid le 1er Janvier de cette année.

Art. 2. — Le Gouvernement de Sa Majesté le Roi de Suède et de Norvège concédera à l'Espagne pendant la même période mentionnée dans l'article précédent le traitement de la nation la plus favorisée en Suède, en tout ce qui concerne le Commerce.

Art. 3. — La présente Convention sera ratifiée et les ratifications en seront échangées à Madrid dans le plus bref délai possible et sera exécutoire, à partir du 1er Février prochain.

En foi de quoi les Plénipotentiaires respectifs l'ont signée et y ont apposé les cachets de leurs armes.

Fait à Madrid, en double expédition, le vingt quatre Janvier mil huit cent quatre vingt douze.

(L.S.) *F. Wedel Jarlsberg.*
(L.S.) *Le Duc de Tetuan.*

Art. 1. — Hennes Majestät Drottningen-Regentinnans af Spanien Regering medgifver Konungariket Sverige från den 1 Februari till och med den 30 Juni 1892 behandling som den mest gynnade nation i allt hvad angår handel i Spanien och de spanska ultramarinska provinserna.

Från detta medgifvande undantages svenskt bränvin och sprit af svensk tillverkning, hvilka vid införsel till Spanien skola erlägga de afgifter, som finnas bestämda i de tulltaxor, som finnas offentliggjorda i „la Gaceta de Madrid" den 1 Januari innevarande år.

Art. 2. — Hans Majestät Konungen af Sverige och Norge medgifver Spanien under samma tidrymd, som nämnes i föregående artikel, behandling i Sverige som den mest gynnade nation i allt hvad angår handel.

Art, 3. — Denna konvention skall ratificeras och ratificationerna skola så fort ske kan utvexlas i Madrid; och skall densamma förblifva gällande från och med den 1 nästkommande Februari.

Till yttermera visso hafva de respektive fullmägtige undertecknat densamma och försett densamma med sina sigill.

Som skedde i Madrid den tjugufjerde Januari adertonhundra nittiotvå.

(L.S.) *F. Wedel Jarlsberg.*
(L.S.) *Hertigen af Tetuan.*

36.

ITALIE, CHILI.

Convention conclue pour échanger réciproquement les actes d'état civil des citoyens respectifs; signée à Santiago le 22 mars 1892.

Trattati e Convenzioni fra il Regno d'Italia e gli altri Stati, Vol. XIII, Rome 1895.

Accordo fra l'Italia ed il Chili per lo scambio degli atti di stato civile.

Il Governo italiano ed il Governo del Chilì desiderando stabilire tra di essi uno scambio regolare degli atti dello stato civile dei sudditi e cittadini rispettivi, s'impegnano a comunicarsi reciprocamente copie debitamente legalizzate degli atti di nascita, di matrimonio e di morte che li riguardano.

Questa comunicazione avrà luoga senza spese e nella forma usata in ciascun paese.

Ogni sei mesi il Governo del Chili rimetterà alla Legazione d'Italia in Santiago, ed il Governo italiano, per parte sua, rimetterà alla Legazione o, in sua mancanza, al Consolato generale del Chili in Roma, le copie dei detti atti registrati durante il semestre precedente.

Il presente accordo principierà ad avere effetto col 1° Juglio p. v. e durerà in vigore sino ad un anno dopo che uno che uno dei due Governi manifesti l'intenzione di porvi fine.

Fatto, in doppio esemplare, e firmato dal Ministro residente di Sua Maestà il Re d'Italia e dal Ministro delle relazioni estere del Chilì, a ciò debitamente autorizzati, in Santiago, addì ventidue del mese di marzo dell'anno mille ottocento novantadue.

(L.S.) *P. Castelli.*
(L.S.) *Jan Castellon.*

37.

ITALIE, SANMARINO.

Article additionnel à la convention d'amitié et de bon voisinage du 27 mars 1872*); signé à Florence le 13 avril 1892.

Trattati e Convenzioni fra il Regno d'Italia e gli altri Stati, Vol. XIII, 1895.

Articolo addizionale alla convenzione di buon vicinato fra l'Italia ed il San Marino del 27 marzo 1872[a].

Il Governo di Sua Maestà il Re d'Italia e il Governo della Repubblica di San Marino, desiderando, in aggiunzione alle clausole della convenzione

*) V. **N. R. G.** 2e série I, 312.

di buon vicinato fra loro conclusa il 27 marzo 1872, precisare quanto riguarda l'obbligo della legalizzazione per gli atti pubblici che, rogati in uno dei due Stati, abbiano ad avere effetto sul territorio dell'altro, hanno a ciò debitamente autorizzato i sottoscritti, i quali hanno firmato il seguente articolo addizionale, che avrà la medesima efficacia e la medesima durata della convenzione predetta.

Articolo Addizionale.

Gli atti e i contratti di qualunque natura ricevuti dai notai e da altri pubblici ufficiali di uno dei due Stati faranno piena fede ed avranno esecuzione nell'altro, senza altra formalità di legalizzazione oltre quella che fosse prescritta dalla rispettiva legislazione interna per l'uso e l'esecuzione di essi nel territorio del paese nel quale furono redatti.

Il presente articolo entrerà in vigore immediatamente dopo la pubblicazione che ne sarà fatta nei due Stati, sulla Gazzetta ufficiale rispettiva.

Fatto, in doppio originale, in Firenze, li 13 aprile 1892.

(L. S.) *Marchese Alessandro Guiccioli*
per il Governo di S. M. il Re d'Italia.

(L. S.) *Paolo Onorato Vigliani*
per la Repubblica di S. Marino.

38.

ÉTATS-UNIS D'AMERIQUE, CHINE.

Correspondance diplomatique relative au refus de la Chine d'accepter M. Henry W. Blaire comme Ministre plénipotentiaire des Etats-Unis d'Amérique; du 25 avril 1891 au 4 avril 1892.

Message from the President of the United States. Washington. Governments Printing Office. 1892.

Message from the President of the United States, transmitting, in response to the resolution of the Senate of March 14, 1892, the correspondence in relation to the nonacceptance of Hon. Henry W. Blair as minister to China, etc.

To the Senate:

I transmit, in reply to the resolution of the Senate passed in executive session on March 14, 1892, a report from the Secretary of State, with accompanying documents, in relation to the correspondence relating to the nonacceptance of Hon. Henry W. Blair as minister of the United States to the Government of China.

Benj. Harrison.

Executive Mansion,
Washington, April 4, 1892.

The President:

The Secretary of State, to whom was referred the resolution of the Senate, passed in executive session on March 14, last, requesting the President, if in his opinion not incompatible with the public service, to transmit to the Senate copies of the correspondence relating to the nonacceptance of Hon. Henry W. Blair as minister of the United States to China with the Chinese Government and between Mr. Blair, the President, and the Department of State, has the honor to transmit herewith the copies desired and to inclose a list of the papers transmitted.

Respectfully submitted.

James G. Blaine.

Department of State,
Washington, April 4, 1892.

List of papers transmitted in compliance with the Senate resolution passed in Executive Session March 14, 1892.

1. Mr. Tsin Kwo Yin to Mr. Blaine, April 25, 1891
2. Mr. Blaine to Mr. Blair (telegram), April 29, 1891.
3. Mr. Blair to Mr. Blaine, June 13. 1891.
4. Memorandum of a conversation between Mr. Wharton and Mr. Tsin Kwo Yin, June 15, 1891.
5. Mr. Wharton to Mr. Denby (telegram), June 15, 1891.
6. Mr. Blair to Mr. Wharton, June 22, 1891.
7. M. Blair to the President, June 22, 1891.
8. Memorandum of Mr. Tsin Kow Yin, June 23, 1891.
9. Mr. Blair to Mr. Wharton, July 6, 1891.
10. Mr. Blair to Mr. Wharton, July 9, 1891.
11. Mr. Wharton to Mr. Blair, June 10, 1891.
12. Mr. Blair to Mr. Wharton, July 15, 1891.
13. The President to Mr. Blair, October 6, 1891.
14. Mr. Wharton to Mr. Denby, October 6, 1891.
15. Mr. Denby to Mr. Blaine, November 28, 1891.
16. Mr. Wharton to Mr. Denby, March 25, 1892.

Mr. Tsin Kwo Yin to Mr. Blaine.

Chinese Legation,
Washington D. C., April 25, 1891.

Sir: I have the honor to inform you that I received two cablegrams from my Government yesterday evening. The nature of the subjectmatter mentioned therein is of such importance that I deem it necessary to see you without any delay, if possible, some time to-day, as to-morrow being Sunday, or you will oblige me by naming a day which may suit your convenience.

Accept, etc.

Tsin Kwo Yin.

(Translation of a cablegram from the Foreign Office in Peking, China, received on the evening of the 25th of April, 1891.

In regard to Blair's appointment as Minister Plenipotentiary to China by the United States, this man in 1882 and 1888 bitterly abuesd China in the Senate. The facts have been published in the newspapers. His coming in that capacity might be detrimental to the intercourse of the two nations; please discuss the matter with the honorable Secretary of State according to the laws of the United States and ask him to stop his coming and cable the result.

(Translation of a cablegram from Viceroy Li, Tientsin, China, received on the evening of April 24, 1891. Left with the Secretary by Chinese Minister at State Department, April 27, 1891.

Blair abused the Chinese laborers too bitterly while in the Senate and was conspicuous in helping to pass the oppressive exclusion act. The facts have been fully published in the newspapers. The United States Government having always maintained friendly relations would do better not to appoint him as Minister Plenipotentiary to China. According to the usages of the Western nations and international laws, China would also deem it inexpedient to receive him. I have consulted with the Foreign Office on the subject. Communicate the above to the Honorable Secretary of State without delay, and request him to have a persona grata appointed instead.

Mr. Blaine to Mr. Blair.

(Telegram.)

Department of State,
Washington, April 29, 1891.

Better return to Washington.

James G. Blaine.

Mr. Blair to Mr. Blaine.

Washington, June 13, 1891.

Dear Sir: I have the honor to inclose copy of telegram received by me from you April 29 last, while en route to China as the accredited minister of the United States to that country, in consequence of which I returned to this city, where I have been since my arrival, under orders of the Department. I am informed by Mr. Dent that it is desirable that this copy be placed on file, as there is no record of the same.

I have, etc.,

Henry W. Blair.

Memorandum of a conversation with the Chinese minister (Mr. Wharton's draft).

June 15, 1891.

In a conversation with the Chinese minister, had to-day at the Department, after referring to the communications from his Government already

left by the minister at the Department stating its unwillingness to receive Mr. Blair as the accredited minister from this country, I asked him entirely confidentially and unofficially whether it was not possible that his Government had made its decision in the matter without being in possession of all the facts of the case. I stated to him that I wanted to feel that the decision had not been reached under any misapprehension, and I therefore requested him unofficially to telegraph his Government, in an entirely informal manner, inquiring whether upon my offering to present all the facts of Mr. Blair's action exactly as they happened for the complete and thorough information of the proper authorities, the Chinese Government would be willing to reconsider its decision and consider such new facts as might be so presented.

The minister asked me what new facts we proposed to present.

I announced that I was not then prepared to say, but had simply to request a reopening of the matter by the Chinese Government, in order that I might have an opportunity to inform it fully of Mr. Blair's position, so that we could in this country have the satisfaction of feeling that the unwillingness of his Government to receive Mr. Blair, if it should so finally express itself, was based upon no misapprehension of fact.

The minister said that he would telegraph to his Government what I had said and would inform me of the answer as soon as received.

Mr. Wharton to Mr. Denby.

(Telegram.)

Department of State,
Washington, June 15, 1891.

Had an unofficial conversation with the Chinese minister to-day and suggested to him that perhaps Chinese Government had decided Blair case under misapprehension of facts. Minister promised to telegraph his Government and inquire whether they would reconsider their decision so that additional facts might be submitted. This entirely unofficially.

Mr. Blair to Mr. Wharton.

Washington, D. C., June 22, 1891.

Dear Sir: In conformity with your verbal suggestion, I forward a summary of my record in connection with the legislation upon Chinese immigration in the Forty-seventh and Fiftieth Congresses, and other matter bearing upon the objections raised by the Chinese Government to my reception as minister to that country as being persona non grata.

Two causes are assigned for my rejection as a persona non grata by the Chinese Government:

First. That in 1882 and in 1888 I "bitterly abused China in the Senate."

Second. That I "abused the Chinese laborers too bitterly while in the Senate, and was conspicuous in helping to pass the oppressive exclusion act." The proof cited and relied upon is newspaper statements, made

since my appointment—for there have been none other—of my connection with the subject-matter.

The Record shows that at no time have I abused China or the Chinese either by word or act, but that, on the contrary, while opposing, as I always expect to, further immigration of Chinese laborers to this country, I have been the friend of the Chinese nation in the Senate.

In 1882, Senate bill 71, a proposed exclusion act, passed both Houses of Congress and was vetoed by President Arthur.

I opposed and voted against the bill on its passage, and also sustained and voted for the veto by which the bill was defeated, although the bill was supported by a majority of the Senate.

House bill No. 5804 was pressed in the same Congress by which the treaty of 1880 was carried into effect by the suspension of the immigration of Chinese laborers until the year 1892. The President approved the bill and it became a law, and this is the "Exclusion act." I opposed and voted against it.

I did not speak at all upon either bill, nor upon the subject-matter.

On the 3d day of September, 1888, Mr. Scott, of Pennsylvania, a leading Democrat, as was generally believed with the approval of the President and Secretary of State, asked unanimous consent of the House of Representatives to introduce a bill providing—

—That from and after the passage of this act it shall be unlawful for any Chinese laborer who shall at any time heretofore have been, or may now or hereafter shall be, a resident within the United States, and who shall have departed or shall depart therefrom and shall not have returned before the passage of this act, to return to or remain in the United States.—

Unanimous consent was given to the introduction of the bill and it was immediately and unanimously passed.

The Republicans were in the minority in the House. There was very little discussion, and that all with the view to make the provisions of the bill as clear and strong as possible.

It will be observed that this was not an exclusion act proper, but that it was designed to prevent the return to this country of any Chinese laborers who having been here should have left it. It was deemed to be necessary by reason of the violations of the act of 1882. A similar provision had been agreed to by both China and the United States in a treaty then pending in the Foreign Office of the Chinese Government awaiting action by that Government upon amendments not affecting this provision which had been attached to the treaty in the Senate. It was charged that the Chinese Government was delaying action with a view to the rejection of the treaty as soon as the Presidential election was over, and even that the treaty had been rejected already.

The Morey letter was fresh in the memory of both political parties, and great anxiety and sensitiveness was felt lest this delay by the Chinese Government should be charged upon the existing administration, as evincing a secret opposition to the treaty itself.

The bill reached the Senate on the day of its passage by the House. The Senate proceeded at once to its consideration without reference

to a committee, and continued the debate from day to day until September 7, when the bill passed by a vote of 37 to 3. There was much real opposition to the bill upon the ground that the pending treaty provided for the same thing and that the bill should not pass until upon notice China should have declined or unreasonably have delayed to ratify the treaty and also because immigrants already embarked on their return would not be permitted to land on their arrival in this country, in which opposition I participated; but, being overruled by by the prevailing Republican sentiment in party conference, I voted for the bill as not only a party but a national measure in which all parties united.

Having voted for the bill, I had the right to move to reconsider, and immediately did so, saying that my purpose was to move the amendment which I sent to the desk, which was read, and is as follows:

Add a new section—

"Section 5. This act shall not take effect until the expiration of sixty days after its passage, unless the pending treaty between China and the United States be rejected by China within that time, but shall take effect immediately upon such rejection; and this act shall take effect upon the expiration of sixty days after its passage, provided that said treaty shall not within that time have been ratified. If within sixty days from the passage of this act said treaty shall have been ratified by China, then this act shall be void."

On the 13th day of September I modified the amendment so as to substitute "November first" for "sixty days" and providing that—

The President shall at once make known the passage of this act, by the most expeditious method, to the Emperor of China.

When I made this motion, Mr. Gorman, a leading Democratic Senator, said:

I am delighted that the Senator from New Hampshire (Mr. Blair) has made this motion that he has and offered the amendment that he has. It only demonstrates that we have acted in great haste, etc.

The motion, the proposed amendment, and myself were all strongly assailed and defended, the debate proceeding with animation and occasionally with considerable heat until the 17th of September, when the motion failed by one vote, viz, 20 yeas and 21 nays.

Thus the bill passed, was approved by the President, and became a law.

In support of the proposed amendment. I said:

I have from the beginning gone upon the theory that the treaty has been rejected. That question of fact is in doubt. It would seem from the message of the President received this morning that the rejection has not yet taken place. * * *

There is just this one question as to whether we are doing an act of bad faith and of insult toward China by making it operative at once. * * * I am not willing, sir, to proceed to do an act needlessly and improperly offensive to the Chinese Government. * * * I think that this great Christian power * * * may delay the operation of this bill for two months. * * * That is why, after having kept my word as others kept their word, * * * I now offer this amendment.

During the debate upon my motion Mr. Call, of Florida, advanced the doctrine that the regulation of immigration should be by State rather than by national power, a doctrine which I combatted. I quote from the Record:

Mr. Blair. May I ask the Senator a question?

Mr. Call. Certainly.

Mr. Blair. Suppose the Chinaman has yellow fever, and Florida chooses to locate the yellow fever, that is to say, the Chinaman, in Florida, Is it a matter of indifference to Georgia?

Mr. Call. Oh, if he has yellow fever—

Mr. Blair. That is the question of fact we have decided. He has yellow fever.

I did not say that the Chinese laborer is yellow fever, or even that he is in himself bad or in any way to be blamed. I said that his coming is harmful to us as yellow fever is harmful to us, not necessarily as greatly harmful to us as yellow fever but to such degree that by virtue of the right of self-defence the nation as well as the state may prevent his coming. My illustration is in the nature of an argument ad hominem to Mr. Call, who had properly invoked national power to protect his State from an evil coming from abroad. I argued that if the United States has the power to defend itself against the introduction of persons bringing yellow fever because it is for the general good, for the same reason—

—If Congress, having in view the general welfare, having control of commerce and our relations with foreign powers where the Chinaman is, finds the fact to be that the Chinaman is detrimental in his influence to the civilization of the American people, and that located in some particular State he is dead sure to spread and to go into all the other States, I ask the Senator, is it not in exact analogy to that power by which we exclude by national force pestilential diseases from any portion of the country, that we may undertake the prevention of hurtful migration or immigration of the Chinaman to this country?—

To which Mr. McCall said:

"I think in some respects there is a kind of moral analogy between them."

There is nothing in the colloquy which likens the Chinaman to yellow fever, or to any disease; nothing said or intended but a supposition to illustrate the argument that the national power may act in the one case as well as in the other, and for the same reason, the promotion of the general welfare, as a perusal of the whole will satisfy any honest and intelligent man. There is no allusion whatever to the Chinese nation as a whole, but only to the objectionable features of a part of the immigration from that country, such as is constantly being made to some of that which comes from Europe, and on account of which most foreign nations might take offense if it be justified in this case.

I also said:

—There was a time when the great body of American people, or rather the northern portion of the American people, were opposed to the policy of the Pacific coast in excluding the Chinamen. I remember when our

religious bodies and our missionary people * * * were all on the side of the Chinamen. Something has changed their views and it is not the clamor of the Pacific coast, for they made more then than they do now. Something has convinced the great body of the American people north of Mason and Dixon's line that on the whole these people ought to be kept out; that they are injuring our civilization; that the entering wedge is on the Pacific coast, and that it is better for the Chinamen and better for us that they should live in their house and that we should live in ours.

They have come to the conclusion, I think, that the best man on the face of the earth, the doctor of divinity or the philosopher, is not to invade the hut of the lowliest and occupy that space which is necessary for breathing and for existence on the part of whoever has prior possession * * * The whole nation is one way.

I ask the Senator if it is a fair thing to impeach my motives, the motives of Democrats and Republicans alike everywhere, by saying that we are dallying with this question for political advantage? If we are wrong, political advantage would be on a different side, for we all recognize the fact that there is no permanent political advantage which is not found by taking the morally right side of a question; and if we are wrong in our position in regard to the Chinese political injury will result to all parties who oppose this immigration.—

During the debate upon the motion to reconsider and amend the bill as above stated, Mr. Jones, of Nevada, made a strong speech against the motion and set forth the evils connected with the immigration, especially as found in the Chinese quarter in San Francisco, with great power. Replying to him and others, and supporting the motion to reconsider and amend, I admitted the conditions in Chinatown, saying:

—I went through Chinatown, in San Francisco, a few years ago (1887), and the Senator from Nevada (Mr. Jones) has depicted nothing that reaches the cold, positive fact. My knowledge of the Chinese situation is, of course, comparatively slight, but from the moment I saw that seething, roaring, blood-curdling curse, Chinatown, in San Francisco, I felt as though there had been planted in the vitals of American civilization the seeds of death, unless the upas plant could be rooted up and extirpated.—

Admitting these evils to be substantially as claimed by the Senators from the Pacific coast, I still urged the amendment of the bill so that the treaty might be ratified, if the Chinese Government would do so, and thus our honor and good faith remain beyond question. I said:

—If we do that we have maintained faith with China, for we give her a reasonable opportunity to act; we preserve our honor, we save the danger of losing all this legislation and the taking of this great step in the direction we all of us wish to go; we do a prudent thing which the hot blood of our friends on the Pacific coast seems to render them incapable of doing in their own interest. Can we not wait until the 1st day of November? We are not to remove the evil existing by this legislation.—

I have now cited the strongest that can be found. The newspapers which have been made use of to mislead the Chinese Government have wholly perverted and falsified the truth in representing me as abusing

that Government and people. I have never spoken or written a word against either. Like things are being constantly said against immigration from Italy, Hungary, Poland, and other lands.

I have been and am now strongly opposed to further immigration of the character condemned in Chinatown, and of laborers to compete with our own producing population.

There is nothing upon this subject except what is found in the Congressional Record of September, 1888. In order to save space these citations are very brief, but my statements will be verified by reference to the Record itself. Such examination will emphasize the untruth of the newspaper statements upon which the Chinese Government has acted so far as my record shows me to be properly persona non grata to that power; for while I have been, and hereafter expect to be, personally opposed to that to which I have hitherto objected, yet I have been friendly both in word and act in all that concerns our general relations to that nation; and I may add, that upon the subject of immigration I am also in accord with the policy of the Chinese Government itself, for it was conclusively shown by Senator Morgan, in the debate referred to, that the Chinese minister was instructed to negotiate a treaty which should prohibit the further emigration of Chinese laborers from that country to our own.

The following references will facilitate the examination of the subject: Congressional Record, Forty-seventh Congress, first session, 1882, pages 1753, 2617, and 3412; Congressional Record, Fiftieth Congress, first session, 1888, pages 8215, 8226, 8280, 8332, 8334, 8336, 8338, 8341, 8365, 8369, 8371, 8375, 8376, 8446, 8445, 8496, 8566, 8567, 8646.

Referring to other aspects of the case, permit me to call attention to letter addressed by me to the President on the 25th of May, with inclosed memorandum of authorities; also to Sen. Ex. Doc. No. 4, Fortyninth Congress, first session, in Mr. Keilly's case, containing full diplomatic discussion of the sufficiency of reasons given by Austria for the rejection of Mr. Keilly, the truth of the allegations of fact being admitted.

Whatever I may have said or done is matter of record and is merged in the legislation of this nation.

Years of friendly intercourse have intervened since the enactment of the law in this correspondence referred to by the Chinese Government as the "oppressive exclusion act." I have never charged the Chinese Government or nation with tyranny and oppression, or with any wrongful conduct whatever, and the use of this term in a formal complaint for breach of courtesy should suggest to all concerned how easy it is innocently to give cause of offence. If the tests applied to my conduct in this case are to be acquiesced in by our Government, freedom of discussion in and out of the halls of legislation, and of intercourse between the Executive and Congress, will be ended on the one hand, or on the other representation of our country abroad by men who have taken part in public affairs must cease.

I have, etc.,

Henri W. Blair.

Mr. Blair to the President.

Washington, D. C., June 22, 1891.

The President:

I have the honor hereby to tender my resignation as minister of the United States to China.

I have to-day placed on file in the Department of State the means of disproving the false and scandalous newspaper reports which have been cited by the Chinese Government as the reason of my rejection as persona non grata.

It would be a source of gratification to me if the truth could be made known to the Chinese Government and to my own countrymen.

With sentiments of the highest respect and most sincere personal regard, I have the honor to be, etc.,

Henry W. Blair,
213 East Capitol Street.

Memorandum of Mr. Tsin Kwo Yin.

Legation of China,
June 23, 1891.

The minister says to the honorable Mr. Wharton that he sent right away by cable to the Tsung li-Yamen the message which Mr. Wharton asked, that the Government of the United States thought that the Chinese Government had made a mistake as to Mr. Blair's record and that it hoped a reconsideration of its action might be taken.

The minister has received a cablegram from the Viceroy Li'Hung Chang, communicating the answer of the Tsung li-Yamen, and he is directed to say that Mr. Blair is not popularly regarded in China. It is possible some of the reports sent there may not be all correct, but the Chinese Government understands that he voted for the exclusion law of 1888, when he was a Senator, and it has received copies of his speeches in which he compared the Chinese in the United States to "yellow fever" and to "pestilential diseases," and said the Government had the same right to keep the Chinese out of its territory as these diseases.

It is informed that he did favor putting off the law for two months to know what had become of the treaty, but at the same time he praised the law and said "it accomplishes an untold good," and he declared that he was in favor of sending out of the country the Chinese laborers now in it, which he called "this great continental nuisance," which "ought to be abated by State and national laws." And these speeches were made after speeches had been made by Mr. Sherman, the chairman of the Foreign Affairs Committee, and by Mr. Evarts, once Secretary of State, which are quoted in the note of his predecessor to Mr. Blaine of July 9, 1889, in which the first said that if Great Britain passed such a law against the United States he would be in favor of war, and the latter said it was the first time the United States had done such an insulting thing.

The minister says that the passing of that law while the treaty was being considered has had a very bad effect in China. If the President or the Secretary of State could do anything to repeal that law and to put in force again the treaties, the situation in China would be much changed; and then it would not make much difference what Mr. Blair has said and he would be well received if the President asked for it. But Mr. Wharton must know that the last Chinese minister hat written to Mr. Bayard and afterwards to Mr. Blaine long notes, and that he had also written Mr. Blaine notes complaining of the passing of that law, showing by great American public men that it was against the treaties and in violation of all the conduct of the United States to all other governments, and that its passage hat done great harm and loss to many thousands of poor Chinese; and Mr. Wharton must know that the United States Government hat not made any answer to these complaints.

The minister, therefore, lays the question before Mr. Wharton and asks him to lay it before the President, whether before any satisfaction is given to China or any answer is made to those notes, it is reasonable to ask that Government to receive as minister one of the men who voted for that law and who has made such speeches against the Chinese as the ones which have been seen by the Tsungli-Yamen. The Chinese Government has always been anxious to preserve the very best and friendliest relations with the United States, and has always tried to treat its ministers with the greatest consideration and confidence, and it will be very sorry if its conduct in this matter is not agreeable to the President; but the Viceroy believes the President can understand the situation in China, and will see that it was not possible to take any other course.

Mr. Blair to Mr. Wharton.

Washington, July 6, 1891.

My dear Sir: I am in receipt of copies of the telegrams of the Chinese Government stating the reasons which lead to my rejection as persona non grata to that court—three in number—for which please accept thanks. The minutes of conference with the Chinese minister which led to the last and longest telegram, also the telegram sent by you to Mr. Denby at the time of the conference, and his reply to the same, if he has made any, would complete the record, so far as I know it, of the case.

It would increase my sense of obligation four your courtesy if you will kindly forward me copies of minutes of the conference and of the telegram to Mr. Denby, and of his answer etc. This data may be of no interest or importance to either country, but I feel that it is a duty which I owe to myself to preserve it for personal reference.

I have etc.,

Henry W. Blair.

Mr. Blair to Mr. Wharton.

Washington, D.C., July 9, 1891.

Dear Sir: I hereby withdraw the tender of my resignation as Minister to China, made in my letter to the President of the 23d ultimo-now in your possession, and will thank you to inform the President.

I have, etc.,

Henry W. Blair.

Mr. Wharton to Mr. Blair.

Department of State,
Washington, July 10, 1891.

Sir: I have received your letter of the 9th instant, withdrawing the tender of your resignation as to minister China, made in your letter of the 23d ultimo, to the President, now in my possession; and, in accordance with your wish, I shall inform the President of your action this afternoon.

I am, sir, etc.

William F. Wharton.
Acting Secretary.

Mr. Blair to Mr. Wharton.

Washington, July 15, 1891.

Dear Sir: I have the honor to submit a few suggestions mainly upon the allegations of fact contained in the third telegram of the Chinese Government, received at the Department June 23, relative to the rejection of myself as persona non grata.

It will be observed that in this telegram, ignoring the only thing which the President desired, to wit, an opportunity to be heard as to the truth of the objections made to myself, the Chinese Government, while adhering to its previous action, waives the principal charges, which were the ground of the original rejection, and admits that, but for the conduct of the United States, what I said in debate would be readily overlooked.

For myself I have no object but to place the exact truth before the Chinese Government and my own countrymen.

My communication of the 21st ultimo, with citations of law already in your possession, should be considered in connection with this.

Reflecting considerably upon the facts, especially upon the contents of this last telegram, and endeavoring to eliminate so far as I can my personal feelings, if I have any, from the situation, it seems to me unavoidable that the President will direct reply to be made to the communications of the Chinese Government.

It is perhaps not impossible that if the President should couple with such a reply a proposition to place in the hands of the accredited minister instructions to negotiate a new treaty upon the subject of Chinese immigration as favorable as American public opinion will sanction, including also other important matters now requiring adjustment, which

might be done at Peking and forwarded to the President for his action and for submission to the Senate next December, thus reinstating the subject-matter in the hands of the treaty-making power and removing the chief grievance of the Chinese Government, the opportunity would be embraced by that Government, to withdraw its objections to the minister, or rather to the country which he represents, and that the sense of injury under which China now suffers would be removed, and the relations of the two countries become more harmonius than ever.

The President will consider that this whole subject is uitp, and that must be met with some action in the immediate future, the nature of which may be of decisive domestic as well as of great international importance. Either by treaty or by legislation there must be more law very soon provided upon the subject of Chinese immigration. The next Congress will be full of it. It is the proper subject of treaty regulation*) and now may be the proper time to make a treaty, the submission of which to the Senate with prompt action thereon will obviate the need of legislation which otherwise will be sure to be pressed next winter and not only greatly to increase the ill will of China, but also to entangle the administration even worse than was that of Mr. Cleveland four years since.

Our interests in China are not likely to suffer by the absence of the minister now there resident during the usual summer vacation, and the recall of Mr. Denby as an indication that our Government is not indifferent might also serve to relieve the situation of all criticism from either political party.

The expressions of Senators Sherman and Evarts quoted in the telegram referred to, and the long silence of the Department when arraigned for action of the prior administration, indicate the desirability of some advance on our part, which without involving us in the discussion of old matters would open the way to pleasanter grounds than either nation now occupies.

Should our advances be met with more of this hostile "politeness," we should at least have indicated our desire for better relations, and the onus of continued irritation would be upon China, which of itself would be an agreeable change to us.

When the Chinese Government shall have considered and replied to the case and propositions of the President, such action can be taken with regard to the accredited minister as the public interest shall require.

The third and last telegram of the Chinese Government ignores or abandons the body of its charges against me personally which are alleged in the two dispatches of last April, but that Government still complains that Mr. Blair voted for the exclusion act of 1888.

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*) By saying that it is the proper subject of treaty regulation, I do not mean that we have not absolute power of legislation upon it; but until we abrogate existing treaties in due form, we can not, with propriety, ignore their obligations and the treaties of 1868 and 1880; the latter certainly, take jurisdiction of the subject of Chinese immigration.

So did the House of Representatives unanimously vote for the act of 1888, the Senate also, save only three votes, and the President signed it.

Senators Sherman and Evarts are alluded to with commendation at my expense by the Chinese Government.

Senator Sherman, chairman of the Committee on Foreign Affairs, voted for the bill, and Mr. Evarts, who was not present, was announced by his colleague, Mr. Hiscock, as in favor or the passage of the bill. Mr. Evarts, in his subsequent speech supporting my motion to reconsider, approved of his colleague's action, as the bill passed, all consenting.

It was the general feeling in the Senate, disclosed by the debate, that the Chinese Government was purposely delaying action upon the treaty with intention of rejecting it after the adjournment of Congress.

I alone took action to secure reconsideration in order that the bill might be rendered null and void by ratification of the treaty by China, and was supported in the motion by Mr. Sherman and Mr. Evarts.

This has been fully explained in my previous letter of the 21st of June.

Nothing but malicious misinformation could so mislead the Chinese Government as to my animus toward the Chinese nation.

The telegram further states that the Tsungli-Yamen has received copies of speeches by Mr. Blair in wich he compared the Chinese in the United States to "yellow fever" and to "pestilential diseases," etc.

Nothing but a garbled transcript of what was a sharp running debate, made to accomplish sinister purposes, could lead the Chinese Government to state this, as has been shown in my letter of June 21, and as will more fully appear by reference to the record of the debate found in the Congressional Record of September, 1888.

The speeches in that debate can not be fairly judged by phrases and extracts apart from their connection with the speeches, questions, and interjections of others, and in view of my main point in carrying the motion to reconsider, and thus at the same time to avoid giving just cause of offense to China.

That I was strongly in favor of stopping the fraudulent immigration which was going on, first by the adoption of the treaty, and then by the bill, if, after fair notice China rejected the treaty, is true; and it is also true that nearly everybody else in Congress and in the country was of the same opinion and are so to-day.

The statement, "It" (the Chinese Government) "it also informed that he" (Mr. Blair) "did favor putting off the law for two months to know what had become of the treaty," is a very inadequate conception of the motion to reconsider, made in the face of the strong opposition of both parties at a time when intense political excitement silenced everyone but Mr. Blair.

It was an attempt to secure action upon the treaty in order to avoid the existence of the law of which China complains.

To dwell upon a few strong phrases justly applied to terrible evils

threatening the public welfare, used in the heat of debate in a body where the Constitution for wise purposes guarantees the utmost freedom of expression in order that laws may be adequate and just, phrases not applied to the Chinese nation, of which I spoke with high respect but only to the abuses and evils admitted to be connected with the immigration to this country, and which were no stronger than were common, from many conservative and dignified Senators in the same debate, is hardly the treatment which the Chinese Government, if properly informed, would accord to the only man in the Congress at that time who was willing to place himself in a position of antagonism to both parties of his own countrymen, at great personal risk as a public man, in order to save that nation from what is demeed to be a grave affront from the United States; aud this action on the part of China is so unnatural and so inconsistent with her reputed sense of equity and dignity that I can ascribe it to nothing but misrepresentation by outside influence of my record and motives, and a complete misconception of the situation as it then existed in the American Congress.

I nowhere spoke in favor of sending out of the country any of the Chinese laborers excepting those who since the passage of the exclusion act in 1882 (under the provisions of the treaty of 1880), now come into the country in violation of law.

I did not suggest the removal of any of those who had a right to be here.

The "continual nuisance which ought to be abated by State and national laws of which the nucleus is in Chinatown," so manifestly refers to the aggravated evils, physical, moral, and economical, testified to by committees of the Senate and in the statement of Senators of the Pacific coast as being connected with the immigration of these laborers to our country, and is so clearly expressive of no personal hate or hostility towards the laborers themselves, and only the strong but regretful statement of facts which no honest legislator could withhold from his country, that I feel a sense of deep injury toward those who have misled the Chinese Government into the belief that I either applied those expressions to the Government or nation itself, as was specifically charged in the newspapers upon which that Government relied for the information when it rejected me, or indiscriminately to the Chinese in the United States as individuals. I stigmatized the evils not the individuals connected with the immigration of laborers.

Construed in connection with the act I was then performing, the deed which spoke louder than words, and the obligation of a legislator to speak the truth as he understands it is impossible to treat my expressions as an insult to the Chinese nation or as evidence of "bitterness" toward Chinamen, who are our brethren in the family of man. We do not speak less harshly of evils arising among ourselves or from other immigration than that from China.

The Chinese Government can not expect the United States to permit the Chinese in America and their friends to dictate the choice of our ministers to that country, as in this case Chinatown has undertaken to

do, or to be satisfied with the rejection of her duly accredited minister because he may have so discharged a public duty in a sphere where his words and actions are properly and in contemplation of the Constitution beyond the criticism of a foreign power, as to displease certain interests, both foreign and domestic, which are for their own advantage for the time being located within our jurisdiction.

The Chinese Government, relying upon certain newspapers for the facts (see first two dispatches), in its original rejection complained of Mr. Blair for having "bitterly abused the Chinese nation," in debate upon the exclusion acts of 1882 and 1888.

That ground has been shown to be wholly untenable in my letter of the 21st ultimo, and is so grossly false as to prove that the Chinese Government was purposely imposed upon in order to secure hasty action. It is not insisted upon in the somewhat labored effort of the third dispatch to find tangible ground of personal exception to myself.

That government finally places the rejection upon the broad charge of a grievance against the United States in the "passage of that law" (the law to prevent fraudulent immigration of 1888, improperly called an exclusion act,) "while the treaty was being considered, which has had a very bad effect in China," and the failure of our Government to respond to her complaints.

So that it is now plainly admitted that the real offense is that of the nation in refusing to do that which I endeavored, as an act of friendship to China, to have done. They say:

If the President or the Secretary of State could do anything to repeal that law and to put in force again the treaties, situation in China would be much changed, and then it would not make much difference what Mr. Blair had said and he would be well received if the President asked for it.

It is hard to understand how intercourse of the most friendly character has been continued by China with two administrations since the passage of this act, which is thus admitted to be the true cause of offense, while Mr. Blair, the only man in the United States who really did anything to prevent that which the Chinese Government now deprecates, is to be pilloried in diplomatic history as persona non grata, because of language legitimate in debate and admitted to be of no consequence but for the act of the nation.

Of necessity Mr. Blair is merged in the nation, and refusing to receive him on account of the act of the nation is logically a declaration of nonintercourse, not with Mr. Blair alone, but with the nation, and, if persisted in, must be followed by the recall of our whole legation to China. This would secure the economy of expenditure for which that portion of the press which has by its falsehoods created this complication is so solicitous.

At this point there is to my mind matter which it is important for this Government to state, and to which it is important that the Chinese Government and all other Governments, whose forms are different from

ours, shousd listen before the extraordinary facts in this case are allowed to rippen as a precedent in diplomatic intercourse.

If members of the legislative department of our Government who may be selected to represent us in our intercourse with foreign nations are to be subjected to affront and contumely at home and abroad based upon false conceptions which are the result of irresponsible reports, or worse, and if, when the rejecting party is solicited to consent to reconsider for the purpose of being properly informed of that which it should have heard before it struck, no hearing can be had, then self-respecting legislators are excluded from the diplomatic service, and as a nation we occupy a position of abject humiliation, from which isolation would seem to offer the only escape.

I early cited the law and precedents which show that the duly accredited minister of a friendly power can not be rejected without giving just cause of offense, unless good reasons are assigned, and that when reasons are given they are subject to discussion (else why should they be given?) as to their truth, and if true, then as to their sufficiency.

It has been said that we have ourselves insisted upon the doctrine of persona grata, but our history shows no instance, that I find, where we have objected to a minister until after his reception, and then for subsequent misconduct in office.

No rule can prevail between friendly nations which would not prevail between friendly gentlemen who have occasion to be represented to each other in important transactions.

I do not find, either in reason or in the practice of nations, any occasion that the consent of China should be asked that she listen to a statement of her errors of fact and of the insufficiency of her grounds of action; but in this case, with a degree of courtesy which could not be exceeded, she was asked to reconsider in order that she might hear, instead of being informed without delay of her errors in order that she might reconsider; and, even to this request, that she permit herself to be informed, she replies with a tacit refusal to hear at all; and after a substantial abandonment of her personal exception to myself, by setting up an offence on the part of this nation, now three years old, committed by all parties under a former administration, as a reason for my rejection, coupled with an offer in substance to receive me if the nation will repeal an enactment made to prevent immigration in fraud of treaties, and of laws passed in pursuance thereof, which had been violated for years.

The debate upon the bill of 1888 shows that it passed the Senate under a belief that China had rejected the treaty, or really designed to, provided that Congress could be induced to adjourn without action; but however that may be, it is not fortunate that the attempt should be made to loade me down as a persona non grata, by piling "Great American public men" like Mr. Sherman and Mr. Evarts upon me, when, as matter of fact, what they did friendly to China in this case was simply to advocate and vote for the measure which I devised, and without suggestion from anyone, moved and pressed upon the Senate, and which, if it had

been adopted, all now admit would have relieved both nations, all political parties, and the entire situation.

But I need trouble the Department with no further suggestions at this time, since it is now the avowed position of China that it is the nation which is persona non grata to the Chinese Government, by whom, if the President asks it, I shall be well received whenever the United States has purged itself of offense.

I have, etc.,

Henry W. Blair.

The President to Mr. Blair.

Executive Mansion.
Washington, October 6, 1891.

Sir: Your resignation of the office of envoy extraordinary and minister plenipotentiary to China was tendered some time ago, but action upon it has been deferred for reasons well known to you. In accepting it now I asure you that it has been a source of great regret to me that what I believe to have been a misunderstanding has led to an untenable objection on the part of China to your acceptance as a representative of this Government. I have directed the Secretary of State to protest to the Chinese Government against the sufficiency of the objections presented by it and to say that you have terminated the correspondence by a peremptory resignation.

Let me assure you that I have, after inquiry, found nothing that in any degree reflects upon your character or impairs the esteem and friendship in which I have long held you.

Very respectfully yours,

Benj. Harrison.

Mr. Wharton to Mr. Denby.

No. 659.] Department of State,
Washington, October 6, 1891.

Sir: The position which the Chinese Government has assumed in regard to the reception of Mr. Henry W. Blair as minister of the United States to China appears at its present stage to require the frank expression of the views of this Government.

In the exercise of its constitutional prerogative and acting by and with the advice and consent of the Senate, the President, on the 27th of February last, appointed Mr. Blair to be envoy extraordinary and minister plenipotentiary of the United States at Pekin.

Two months later, on the 27th of April, and after Mr. Blair had in fact begun the journey from his home to his post, the minister of China, at this capital, handed to the Secretary of State translations of two telegrams received by him from the Chinese authorities, presenting objections to Mr. Blair as an unacceptable person, and asking a new appointment in his place. These communications were as follows:

I.—Translation of a cablegram from the foreign office in Peking, China, received on the evening of the 25th of April, 1891.

In regard to Blair's appointment as minister plenipotentiary to China by the United States, this man, in 1882 and 1888, bitterly abused China in the Senate. The facts have been published in the newspapers. His coming in that capacity might be detrimental to the intercourse of the two nations. Please discuss the matter with the honorable Secretary of State according to the laws of the United States and ask him to stop his coming, and cable the result.

II.—Translation of a cablegram from Viceroy Li, Tientsin, China, received on the evening of the 24th of April, 1891.

Blair abused the Chinese laborers too bitterly while in the Senate, and was conspicuous in helping to pass the oppressive exclusion act. The facts have been fully published in the newspapers. The United States Government, having always maintained friendly relations, would do better not to appoint him as minister plenipotentiary to China. According to the usages of the western nations and international laws, China would also deem it inexpedient to receive him. I have consulted with the foreign office on the subject. Communicate the above to the honorable Secretary of State without delay, and request him to have a persona grata appointed instead.

As an act of deference and friendly comity, and to afford time for a fuller consideration of the case, Mr. Blair was at once directed by telegraph to return to Washington.

It is seen that the Imperial Government, even supposing the utterances of Mr. Blair to have been misrepresented, still regards him as objectionable to China because of his having voted, while in the Senate, for the existing law of the United States in regard to Chinese immigration; and unofficially it was said that if the law should be repealed and the former state of things restored "it would not make much difference what Mr. Blair has said, and he would be well received if the President asked for it." In short, so long as our legislation remains unaltered, and so long as this Government may not meet the objections and arguments proffered by China against that legislation, China is unwilling to receive "one of the men who voted for that law and who has made such speeches against the Chinese as the ones which have been seen by the Tsung-li-Yamên.

Mr. Blair has peremptorily resigned his office. There is, therefore, no question of his going to China as a representative of this Government. So far as the aspects of the question personally affect Mr. Blair, the incident has reached a final stage. But the form and scope of the objections of the Chinese Government to his reception are open for examination, and in the interest of international good-will a clear understanding of the situation created by the attitude of China is indispensable.

While the sovereign right of any government to determine the acceptability or nonacceptability of a foreign envoy admittedly exists, the comity and courtesy of nations in practice confine the exercise of this right within well-marked limits. If, as an abstract proposition, it be said that the right may be exercised without assigning reasons, it is equally clear that to refuse an envoy without assigning reasons would be an extreme step. Hence, as a general principle, the refusal should naturally be justified by reasons so true of themselves and so evidently sufficient as to command the respect and acquiescence of the envoy's government.

The communications of the Chinese Government in Mr. Blair's case appear to fully recognize this, for the Government of the United States is in terms invited to admit the sufficiency of the reasons adduced and to signify its acquiescence by sending out another minister whose public record shall not be open to the objections alleged against Mr. Blair's public record.

So far as those objections rest on allegations of fact, in respect of the views concerning the Chinese people and nation which are alleged to have been entertained and uttered in legislative debate by Mr. Blair, the Government of the United States can not admit their sufficiency. A careful examination of every public utterance of Mr. Blair in the course of the debates attending the passage of the Chinese bill in the Senate, conclusively shows that Mr. Blair has been injuriously misrepresented. In point of fact, the true record of Mr. Blair, while in the Senate, shows him to have been, first and last, respectful to China and just to her people.

The objection to receive Mr. Blair because he cast a vote for the exclusion act is in reality an objection to receive any person as minister of the United States, who in his character as Senator or Representative in Congress, has cast a vote for any measure which is obnoxious to the Chinese Government.

It must be conceded by the Chinese Government that this is not the time to discuss the propriety of legislation which has become the supreme law of the land, and which commands the obedience of all persons within the United States. Any person who may be duly appointed United States minister to China is bound faithfully to observe and aid in the execution of the existing laws.

This ground of objection to Mr. Blair the President could not take into account in selecting another envoy. It is moreover illogical in this that the objection of China being avowedly against the existing legislation rather than the legislator, three years of friendly intercourse have passed since the law was enacted without China's discovering that the existence of the law itself was a bar to the reception of an envoy representing the country which enacted it. If Mr. Blair may not be received as minister while that law remains unrepealed, and because of its existence as a law it is not easy to reconcile that position with the continued friendly reception of the present minister of the United States at Peking. In

this aspect, as in every other aspect, the position assumed by China is incongruous and inadmissible.

As I have said, the incident is in fact closed by the action of Mr. Blair in placing his commission in the President's hands. That circumstance, however, does not make it less incumbent upon the Government of the United States to frankly and fully state its views touching the incident itself. Silence would ill comport with our own self-respect or be just to the Government of China.

I am, etc.,

William F. Wharton,
Acting Secretary.

Mr. Denby to Mr. Blaine.

No. 1435.] Legation of the United States,
Peking, November 28, 1891. (Received January 8.)

Sir: I have the honor to state that I have read with great interest and complete concurrence your dispatch Nr. 659, of the 6th ultimo, wherein you discuss and deny the right of a foreign country to refuse, on an insufficient ground, stated and relied on, to receive an envoy duly accredited by the Government of the United States to its court.

Your dispatch will be of great service to this legation should the question involved ever arise here.

I have, etc.,

Charles Denby.

Mr. Wharton to Mr. Denby.

[Telegram.]

Department of State,
March 25, 1892.

If you have not already communicated Instruction 659, October 6, to the Chinese Government, do so immediately.

Wharton,
Acting.

39.

ITALIE, FRANCE.

Procès-verbal pour la délimitation des zones de pêche dans la baie de Menton; du 18 juin 1892.

Trattati e Convenzioni fra il Regno d'Italia e gli altri Stati, Vol. XIII, Rome 1895.

Processo verbale di delimitazione della linea di pesca nella baia di Mentone.

En conformité de l'article 2 du projet de convention entre l'Italie et la France pour la délimitation des zones de pêche dans la baie de Menton, les délégués italiens et les délégués français s'étant

réunis le 16 mai et le 18 juin 1892, ont fait établir, d'un commun accord, les amers suivants aux points E et C du plan ci-annexé *) et ont procédé aux opérations nécessaires pour déterminer leurs positions.

L'amer élevé au point C est situé en territoire italien, près de l'embouchure du ruisseau Saint-Louis, à quelques mètres de la rive gauche de celui-ci et du rivage de la mer, juxtaposé contre l'arête sud-ouest d'une maisonnette; il est constitué par un massif en maçonnerie de 2.^{m} 65 de haut, 3.^{m} 55 de large et 4.^{m} 00 de profondeur; sur ce massif, formant soubassement, il a été érigé, à une hauteur de 2.^{m} 00. un voyant triangulaire en tôle, à pointe en haut et base horizontale, mesurant 3 mètres de hauteur sur 2.^{m} 50 de base.

Le tout est peint en blanc. Le plan du voyant est perpendiculaire au plan de l'alignement.

Les détails de la construction de cet amer sont mentionnés dans le croquis ci-joint. *)

Au point E, il a été élevé une simple cornière en fer à branches égales de 90 millimètres de côté, sur 10 millimètres d'épaisseur, fixée dans une position verticale, l'arête tournée vers l'est, contre la face sud du parapet sud du pont Saint-Louis, à quatre-vingts centimètres de l'extrémité ouest de ce parapet, au-dessus duquel elle s'élève de un mètre cinquante. Elle se trouve sur la ligne frontière même, à une altitude de trente neuf mètres environ au dessus du soubassement de l'amer C.

L'alignement déterminant les zones de pêche est constitué par le plan vertical passant par l'arête de cette cornière et le sommet du triangle du point C.

Pour rendre cet alignement visible du large, il a été dessiné et peint, sur une paroi rocheuse verticale, un peu oblique au plan de l'alignement, située non loin en arrière, un triangle tel que, vu par un observateur placé à la surface de la mer dans l'alignement, à la distance d'un mille marin, il se présente sous la forme d'un triangle équilatéral de quatre mètres de côté, ayant la pointe en bas et la base supérieure horizontale.

Ce triangle est peint en blanc bordé d'une zone noire de cinquante centimètres de large; sa pointe inférieure est placée dans le plan de l'alignement; il faut donc, pour se trouver sur la ligne de délimitation des zones de pêche, mettre sur la même verticale le sommet de l'amer C et la pointe précitée. Celle-ci est à trois mètres cinquante-deux centimètres au-dessus du parapet sud du pont et à dix mètres en arrière de la cornière. Le côté oriental a une longueur de quatre mètres trente-deux centimètres; le côté occidental une longueur de quatre mètres cinquante-neuf centimètres et la base supérieure une longueur de cinq mètres cinquante-six centimètres.

Les observations pour déterminer la position des amers ont été faites au point C; du point E, aucun point de triangulation n'est visible, et ce dernier a été relié au précédent par sa distance et son azimut.

Du point C, comme centre, on a relevé autour de l'horizon les distances angulaires mentionnées ci-dessus entre le point E et les points de triangulation suivants, en faisant le tour par le nord, l'est, le sud et l'ouest:

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*) Si omette la riproduzione del piano e di altri annessi grafici.

Point E — Torre Grimaldi	93°	5′	30″
Torre Grimaldi — Casa Doganieri	12	31	15
Casa Doganieri — Sémaphore du Cap Martin	128	23	15
Sémaphore du Cap Martin — Clocher de Menton	18	6	00
Clocher de Menton — Point E	107	54	15
Total . . .	360°	00′	15″

Des relevés qui précèdent il résulte que le point E est situé par Lat. nord = 43° 47′ 2″ 29 — Long. est de Greenwich = 7° 31′ 50″ 21 et que son azimut sur l'horizon de C est de 353° 55′ 22″.

La distance horizontale du point E au point C est de cent soixante-seize mètres, soixante-quatre centimètres.

Le triangle peint sur la roche est déterminé par ses dimensions et sa distance à la cornière placée in E, qui ont été mentionnées ci-dessus.

Fait à la frontière italo-française, le dix-huit juin, mil huit cent quatre-vingt-douze.

Les Délégués italiens
C. Fasella.
A. Bertolini.

Les Délégués français
T. Andréi
M. S. Voltan.
A. Berry.

40.

ÉTATS-UNIS D'AMÉRIQUE, DANEMARK.

Convention assurant la protection réciproque des marques de fabrique; signée à Copenhague le 15 juin 1892.*)

Treaties and Conventions of the United States of America.

Convention.

With a view to secure for the manufacturers in the United States of America, and those in Denmark, the reciprocal protection of their Trade Marks and Trade Labels, the Undersigned, duly authorised to that effect, have agreed on the following dispositions.

Art. 1. — The subjects or citizens of each of the High Contracting Parties shall in the Dominions and Possessions of the other have the same rights as belong to native subjects or citizens, in everything relating to Trade Marks and Trade Labels of every kind.

Provided, always, that in the United States the subjects of Denmark, and in Denmark, the citizens of the United States of America, cannot enjoy these rights to a greater extent or for a longer period of time than in their native country.

Art. 2. — Any person in either country desiring protection of his Trade Mark in the Dominions of the other must fulfil the formalities

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*) Les ratifications ont été échangées à Copenhague le 28 septembre 1892.

required by the law of the latter; but no person, being a subject or citizen of one of the contracting States shall be entitled to claim protection in the other by virtue of the provisions of this convention, unless he shall have first secured protection in his own country in accordance with the laws thereof.

Art. 3. — This arrangement shall go into effect immediately on or after the exchange of the ratifications and shall be in force until a year after it has been recalled by the one or the other of the two High Parties.

Art. 4. — The present convention shall be ratified by the President of the United States of America by and with the advice and consent of the Senate thereof and by His Majesty the King of Denmark, and the ratifications shall be exchanged at Copenhague as soon as may be with in ten months from the date hereof.

In witness whereof the Undersigned have signed the present convention and have affixed thereto the seal of their arms.

Done at Copenhagen in double expedition the 15. June 1892.

Clark E. Carr.
Reedtz Thott.

41.

PAYS-BAS, ESPAGNE.

Déclaration réglant les relations commerciales; signée à Madrid le 12 juillet 1892.

Staatsblad van het Koningrijk der Nederlanden, No. 217.

En attendant la conclusion d'une Convention de Commerce et de Navigation entre les Pays-Bas et l'Espagne, établie sur des bases plus amples, le Gouvernement de Sa Majesté la Reine des Pays-Bas et le Gouvernement de Sa Majesté le Roi d'Espagne sont convenus de la Déclaration suivante:

1⁰. Les articles originaires des Pays-Bas et de leurs Colonies mentionnés dans le tarif ci-joint (annexe 1) payeront en Espagne et îles adjacentes, lorsqu'ils seront importés directement, les droits qui s'y trouvent inscrits.

2⁰. Les articles insérés dans les tableaux ci-joints (annexes 1 et 2) n'y seront pas assujettis à des droits autres ni plus élevés lorsqu'ils seront importés directement, que ceux afférents aux articles similaires d'origine ou de manufacture d'une autre Nation.

3⁰. Les articles originaires des Pays-Bas et de leurs Colonies non compris dans les annexes 1 et 2 de cette Déclaration, seront assujettis dans la Péninsule et îles adjacentes lorsqu'ils seront importés directement au tarif minimum (seconde colonne) du tarif général du 31 décembre 1891.

4⁰. Les articles originaires des Pays-Bas et de leurs Colonies, importés directement payeront dans les îles de Cuba et Porto-Rico et pendant la durée de la présente Convention les droits de la seconde colonne du tarif

des Douanes spécial des dites Provinces du 29 avril 1892 aussi longtemps que ce tarif restera en vigueur.

5⁰. L'importation sous connaissement direct (through bill of lading) est assimilée à l'importation directe.

6⁰. Les articles originaires de l'Espagne et îles adjacentes, et ceux des îles de Cuba et Porto-Rico, ne seront pas soumis à leur importation dans les Pays-Bas à d'autres droits que ceux des autres Nations.

7⁰. Cette Déclaration sera soumise, dans les plus bref délai possible, à l'approbation de la législature des deux pays; en cas de dénonciation par l'un des deux Gouvernements, elle cessera ses effets un an après la date de cet acte.

En foi de quoi, les Plénipotentiaires respectifs, dûment autorisés, ont signé la présente Déclaration et y ont apposé leur cachets.

Fait en double expédition à Madrid le douze juillet mil huit cent quatre vingt douze.

(L. S.) (get.) *Le Duc de Tetuan.* (L. S.) (get.) *Gericke.*

Annexe I.

Tarif des droits d'entrée en Espagne.

	Pesetas.		
Fromage	0,25	par	kilogr.
Beurre	40	„	100 kilogr.
Genièvre jusque 22⁰ Cartier	160	„	hectolitre.
Rhum	160	„	„
Bière	12,50	„	„
Capsules métalliques pour bouteilles	15	„	100 kilogr.
Étain en lingots	11	„	„
Staniol	22	„	„
Sulfate ammoniacal	0,25	„	„
Indigo	15	„	„
Oignons à fleurs	libres.		

Annexe II.

Table des articles d'origine hollandaise qui ne pourront pas être assujettis en Espagne, à des droits d'entrée autres ni plus élevés que les produits similaires d'origine ou de manufacture d'un autre pays.

Beurre de cacao.
Cacao en poudre.
Chicorée.
Eaux de vie et liqueurs.
Verreries.
Peaux et cuirs non tannées.
Machines.
Huiles végétales (de lin).
Amidon.
Carton ordinaire et papier.
Flanelle à chaine de coton.

Sacs en jute.
Parafine, stéarine, cire et blanc de balaine (ouvrés).
Courroies en cuir pour machines.
Imprimés coloriés (estampes, dessins, cartes coloriées).
Fécules pour usage industriel et dextrine, y compris la fécule de pommes de terre.
Vaches à lait.
Bétail.
Écorce de quinquina de Java.
Sucre.
Gomme élastique de Java.
Gomme damar.
Gomme copal.
Gomme benzoe.
Cassia vera.
Noix muscades.
Thé.
Fers fondus en objets ordinaires (numéro 28 du tarif).
Idem en objets fins („ 29 „ „).

42.

ÉTATS-UNIS D'AMÉRIQUE, GRANDE BRETAGNE.

Convention en vue d'organiser un service de surveillance à la frontière des possessions respectives dans l'Amérique du Nord; signé à Washington le 22 juillet 1892.*)

Treaties and Conventions concluded by the United States of America with Foreign nations.

The United States of America and Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, being equally desirous to provide for the removal of all possible cause of difference between their respective governments hereafter in regard to the delimitation of the existing boundary between the United States and Her Majesty's possessions in North America in respect to such portions of said boundary as may not in fact have been permanently marked in virtue of treaties heretofore concluded; have resolved to conclude a Convention in furtherance of these ends, and for that purpose have appointed as their respective Plenipotentiaries;

The President of the United States, John W. Foster, Secretary of State of the United States, and

Her Majesty the Queen of the United Kingdom of Great Britain and

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*) Les ratifications ont été échangées à Washington le 23 août 1892.

Ireland, the Honorable Michael H. Herbert, Charge d'Affaires ad interim of Great Britain.

Who, after having communicated to each other their respective full powers, which were found to be in due and proper form, have agreed to and concluded the following Articles:

Art. 1 — The High Contracting Parties agree that a coincident or joint survey (as may be found in practice most convenient) shall be made of the territory adjacent to that part of the boundary line of the United States of America and the Dominion of Canada dividing the Territory of Alaska from the Province of British Columbia and the Northwest Territory of Canada, from the latitude of 54° 40′ North to the point where the said boundary line encounters the 141st degree of longitude westward from the meridian of Greenwich, by Commissions to be appoint ed severally by the High Contracting Parties, with a view to the ascertainment of the facts and data necessary to the permanent delimitation of said boundary line in accordance with the spirit and intent of the existing treaties in regard to it between Great Britain and Russia and between the United States and Russia.

Application will be made without delay to the respective legislative bodies for the appropriations necessary for the prosecution of the survey, and the Commissions to be appointed by the two governments shall meet at Ottawa within two months after said appropriation have been made, and shall proceed as soon as practicable thereafter to the active discharge of their duties.

The respective Commissions shall complete the survey and submit their final reports thereof within two years from the date of their first meeting.

The Commissions shall, so far as they may be able to agree, make a joint report to each of the two governments, and they shall also report, either jointly or severally, to each government on any points upon which they may be unable to agree.

Each government shall pay the expenses of the Commission appointed by it.

Each government engages to facilitate in every possible way any operations which, in pursuance of the plan to be agreed upon by the Commissions, may be conducted within its territory by the Commission of the other.

The High Contracting Parties agree that, as soon as practicable after the report or reports of the Commissions shall have been received, they will proceed to consider and establish the boundary line in question.

Art. 2. — The High Contracting Parties agree that the Governments of the United States and of Her Britannic Majesty in behalf of the Dominion of Canada, shall, with as little delay as possible, appoint two Commissioners, one to be named by each party, to determine upon a method of more accuratety marking the boundary line between the two countries in the waters of Passamaquoddy Bay in front of and adjacent to Eastport, in the State of Maine, and to place buoys or fix such other boundary marks as they may determine to be necessary.

Each Government shall pay the expenses of its own Commissioner, and cost of marking the boundary in such manner as shall be deter-

mined upon shall be defrayed by the High Contracting Parties in equal moieties.

Art. 3. — The present Convention shall be duly ratified by the President of the United States of America, by and with the advice and consent of the Senate thereof, and by Her Britannic Majesty; and the ratifications shall be exchanged at Washington within twelve months from the date hereof, or earlier if possible.

In faith whereof we, the respective Plenipotentiaries, have signed this Convention and have hereunto affixed our seals.

Done in duplicate at Washington the 22nd day of July one thousand eight hundred and ninety-two.

John W. Foster. (Seal.)
Michael H. Herbert. (Seal.)

43.

ITALIE, ZANZIBAR.

Convention concernant la cession des villes et ports de Bénadir; du 12 août 1892.

Trattati e Convenzioni fra il Regno d'Italia e gli altri Stati, Vol. XIII, Rome 1895.

Convenzione fra l'Italia ed il Sultano di Zanzibar per la concessione al Governo italiano dei porti di Benadir.

Le Gouvernement de Sa Hautesse le Sultan de Zanzibar et dépendances de la côte orientale d'Afrique, par la présente convention, donne les concessions suivantes au Gouvernement de Sa Majesté le Roi d'Italie, qui, de son côté, accepte les obligations ci-après:

Art. 1. — Le Gouvernement de Sa Hautesse le Sultan de Zanzibar accorde au Gouvernement de Sa Majesté le Roi d'Italie tous les pouvoirs qu'il possède sur les villes et ports de Bénadir, dénommés Brava, Merka, Mogadiscio, avec un rayon vers l'intérieur de 10 milles marins, et Warscheik, avec un rayon vers l'intérieur de 5 milles marins, ainsi que les îles et îlots voisins, pour être administrés politiquement et judiciairement au nom du Gouvernement de Sa Hautesse le Sultan de Zanzibar et à l'abri de son pavillon; mais il est convenu que le Gouvernement de Sa Hautesse le Sultan ne sera pas responsable, ni ne sera appelé à régler les dépenses d'administration ou autres, telles que celles qui résulteraient de la guerre, prix de sang (dya), etc., etc., ni d'aucune réclamation qui pourrait se produire.

Le Gouvernement de Sa Majesté le Roi d'Italie ou ses représentants auront seuls le droit d'acheter ou de disposer des terres publiques dans les limites des territoires susmentionnés.

Le Gouvernement de Sa Hautesse le Sultan s'engage à donner au Gouvernement de Sa Majesté le Roi d'Italie toutes les facilités et à user

de son autorité pour lui assurer tous les droits et tous les pouvoirs, afin que la présente convention obtienne son plein effet. Il est, en outre, convenu entre les Hautes Parties contractantes, qu'aucune des clauses contenues dans les articles suivants de la présente concession ne pourra en aucun cas atteindre ou amoindrir les droits accordés par le Gouvernement de Sa Hautesse le Sultan de Zanzibar aux sujets ou citoyens de la Grande Bretagne, des Etats-Unis d'Amérique, de France, d'Allemagne ou de toute autre Puissance étrangère ayant des traités avec le sultanat de Zanzibar, ou les obligations qui sont ou pourront être imposées par l'adhésion à l'acte général de Berlin de 1885 et à l'acte général de la conférence de Bruxelles de 1890.

Art. 2. — Le Gouvernement de Sa Hautesse le Sultan de Zanzibar autorise le Gouvernement de Sa Majesté le Roi d'Italie à céder l'administration des villes et ports du Bénadir, qui font l'objet de la présente concession, à une société italienne qui sera chargée d'administrer ces villes, ports et territoires au nom du Gouvernement de Sa Hautesse le Sultan et à l'abri de son pavillon; mais toujours sous la responsabilité du Gouvernement de Sa Majesté le Roi d'Italie. Les commissaires de la société italienne pourront exercer, au nom et avec l'autorisation du Gouvernement de Sa Majesté le Roi d'Italie, tous les droits stipulés par la présente concession; ils pourront nommer tous officiers et employés subalternes, établir des Cours de justice et adopter toutes les mesures qui seront reconnues nécessaires ou utiles pour la protection et dans l'intérêt des villes, ports et territoires sus-énoncés.

Le Gouvernement de Sa Hautesse le Sultan consent à donner au Gouvernement de Sa Majesté le Roi d'Italie ou à ses représentants tous les forts et établissements publics existants au moment où l'administration italienne occupera les villes du Bénadir, ainsi que tous les droits de propriété qu'il peut avoir sur les territoires de 10 milles marins de rayon vers l'intérieur pour les villes de Brava, Merka et Mogadiscio et de 5 milles marins de rayon pour le village de Warscheik.

Le Gouvernement de Sa Hautesse le Sultan autorise, en outre, le Gouvernement de Sa Majesté le Roi d'Italie ou ses représentants à lever toutes taxes, tributs, impôts, patentes, droits d'importation et d'exportation, et à prendre toutes les mesures reconnues nécessaires pour subvenir aux dépenses du gouvernement local, au maintien de la force publique, à l'administration de la justice, à la construction des routes, des ports et autres travaux publics ou défensifs, ainsi que pour la liquidation des dettes et le payement des intérêts sur le capital dépensé.

Les gouverneurs, tous les officiers judiciaires, ainsi que les employés de tous grades, seront nommés par le Gouvernement de Sa Majesté le Roi d'Italie ou par ses représentants.

Les allocations accordées aux gouverneurs, aux juges arabes ou indigènes, les appointements de tous les officiers et employés, ainsi que la solde des troupes, seront payés par le Gouvernement de Sa Majesté le Roi d'Italie ou par ses représentants.

Art. 3. — Le Gouvernement de Sa Hautesse le Sultan de Zanzibar donne à la société italienne qui administrera, avec l'autorisation du Gou-

vernement de Sa Majesté le Roi d'Italie, les villes et territoires du Bénadir, qui font l'objet de la présente concession, ou à ses représentants, le droit de faire le commerce, de posséder des propriétés, d'ériger des constructions, d'acquérir des terrains, des maisons et des bâtiments par achats ou par conventions dans les villes et territoires sus-énoncés, avec le consentement des propriétaires de ces maisons, terrains et bâtiments.

Art. 4. — Le Gouvernement de Sa Hautesse le Sultan de Zanzibar cède au Gouvernement de Sa Majesté le Roi d'Italie ou à ses représentants le privilége exclusif de lever des taxes sur les habitants et le pouvoir de régler le commerce et les transactions, ainsi que la navigation, de contrôler les pêcheries, de construire routes, tramways, chemins de fer, canaux, ports, télégraphes, etc., etc., et de lever des taxes et des droits sur ces établissements d'utilité publique, ainsi que de contrôler ou interdir l'importation de toutes marchandises, armes, munitions de toutes sortes, liqueurs alcooliques, ou de toutes autres marchandises qui, dans l'opinion du Gouvernement de Sa Majesté le Roi d'Italie ou de ses représentants, seraient préjudiciables aux lois, à l'ordre et à la moralité publique et pour lesquelles le Gouvernement de Sa Hautesse le Sultan n'est pas lié avec d'autres Gouvernements. Mais il est bien entendu que l'exercice de ces droits et priviléges sera conforme aux traités existants entre le sultanat de Zanzibar et les Puissances étrangéres, ainsi qu'aux obligations qui sont ou pourront être imposées par l'adhésion à l'acte général de Berlin de 1885 et à l'acte général de la conférence de Bruxelles de 1890.

Art. 5. — Le Gouvernement de Sa Hautesse le Sultan de Zanzibar autorise le Gouvernement de Sa Majesté le Roi d'Italie ou ses représentants à établir des douanes et à prélever des taxes et des droits sur les navires et les marchandises entrant dans les ports sus-énoncés, ou en sortant, et de prendre toutes les mesures nécessaires pour la répression de la contrebande: ces mesures seront sujettes toutefois aux traités, actes et conventions susdits.

Art. 6. — Le Gouvernement de Sa Hautesse le Sultan de Zanzibar donne au Gouvernement de Sa Majesté le Roi d'Italie ou à ses représentants le droit d'établir une banque ou des banques dans les villes qui font l'objet de la présente concession, avec le privilége exclusif d'émettre des billets et de la monnaie d'or, d'argent et de cuivre, à condition de se conformer à des engagements précédemment pris par Sa Hautesse le Sultan ou par ses prédécesseurs.

Art. 7. — Tous les pouvoirs, droits et priviléges susdits sont accordés au Gouvernement de Sa Majesté le Roi d'Italie ou à ses représentants pour une période de temps de 25 années européennes, qui commencera du jour où la présente concession sera approuvée par le Gouvernement de Sa Majesté la Reine de la Grande Bretagne et Irlande, Impératrice des Indes et par le Gouvernement de Sa Majesté le Roi d'Italie.

A l'expiration de cette période de 25 années européennes, la présente concession pourra être renouvelée pour une période de temps égale de 25 années dans les mêmes conditions et par une simple déclaration à cet effet du Gouvernement de Sa Majesté le Roi d'Italie.

A l'expiration de la période de temps de 25 annés, ou de 50 années,

tous les travaux publics, constructions, chemins de fer, etc., etc., feront retour au Gouvernement de Sa Hautesse le Sultan, s'il le désire, et pour leur valeur, qui sera estimée par des arbitres choisis par les deux Parties. Excepté pour les établissements et constructions qui auront été rémis gratuitement par le Gouvernement de Sa Hautesse le Sultan au Gouvernement de Sa Majesté le Roi d'Italie, ou à ses représentants, qui seront rendus du même (gratuitement).

Art. 8. — Le Gouvernement de Sa Hautesse le Sultan de Zanzibar cède au Gouvernement de Sa Majesté le Roi d'Italie ou à ses représentants la régie des douanes dans les ports sus-énoncés pour la période de temps de 25 années ou de 50 années, comme il est dit plus haut, et aux conditions ci-après:

Le Gouvernement de Sa Majesté le Roi d'Italie s'engage à payer au Gouvernement de Sa Hautesse le Sultan de Zanzibar une somme du quarante mille roupies (Rs. 40,000), à titre de prime, au moment où l'Administration italienne prendra possession des ports, villes et territoires qui font l'objet de la présente concession, et ensuite quarante mille roupies (Rs. 40,000) par trimestre échu de l'année européenne.

Mais il est bien entendu que le Gouvernement de Sa Hautesse le Sultan de Zanzibar ne réclamera pas deux fois les droits d'importation et d'exportation sur le commerce des villes du Bénadir qui font l'objet de la présente concession, et que le Gouvernement de Sa Majesté le Roi d'Italie ou ses représentants auront le droit de réclamer un drawback pour le montant des droits de douane qui seraient payés directement au Gouvernement de Sa Hautesse le Sultan de Zanzibar, sur toutes les marchandises d'importation au Bénadir ou d'exportation des ports du Bénadir, à partir de l'entrée en vigueur de la présente convention.

Art. 9. — Il est bien entendu que tous les pouvoirs gouvernementaux, judiciaires et autres, concédés par la présente convention, seront exercés par le Gouvernement de Sa Majesté le Roi d'Italie, ou par ses représentants, au nom du Gouvernement de Sa Hautesse le Sultan de Zanzibar et à l'abri de son pavillon et que le Gouvernement de Sa Majesté le Roi d'Italie ou ses représentants jouiront de tous les droits, priviléges, immunités et avantages qui sont ou pourraient être accordés à tout autre Gouvernement, compagnie ou particulier, auxquels le Gouvernement de Sa Hautesse le Sultan de Zanzibar aurait donné ou pourrait donner des concessions, dans toute autre partie de ses domaines, similaires à ceux garantis par la présente concession, ou d'un caractère autre.

Mais le Gouvernement de Sa Majesté le Roi d'Italie s'engage à ne pas réclamer le droit de changer le système de paiement annuel établi par la présente concession, à moins d'obtenir le consentement ou sur l'initiative du Gouvernement de Sa Hautesse le Sultan, ou du Gouvernement de Sa Majesté la Reine de la Grande Bretagne et d'Irlande, Impératrice des Indes.

Art. 10. — La présente convention entrera en vigueur à l'époque que le Gouvernement de Sa Majesté le Roi d'Italie jugera opportune et en donnant avis au Gouvernement de Sa Hautesse le Sultan de Zanzibar un mois entier à l'avance.

Le Gouvernement de Sa Majesté le Roi d'Italie sera responsable envers le Gouvernement de Sa Hautesse le Sultan de Zanzibar du payement des sommes stipulées à l'article 8 de la présente convention, seulement à partir du jour où il prendra charge de toute l'administration, ainsi qu'il est spécifié plus haut; is est en outre entendu que l'époque de transfert gratuit des douanes, terrains, forts, établissements publics, droits de propriété, etc...., que le Gouvernement de Sa Hautesse le Sultan de Zanzibar possède dans les villes et territoires sus-énoncés, sera fixée par un accord spécial, et qu'une liste détaillée en sera donnée à cette époque par le Gouvernement de Sa Hautesse le Sultan.

Art. 11. — La présente convention n'aura de valeur qu'après qu'elle aura été approuvée par le Gouvernement de Sa Majesté la Reine de la Grande Bretagne et d'Irlande, Impératrice des Indes et par le Gouvernement de Sa Majesté le Roi d'Italie.

Art. 12. — Sa Hautesse Saïd Aly, Sultan de Zanzibar, a déclaré par ses lettres du $\frac{\text{14 Rejub 1307}}{\text{6 mars 1890}}$ à M. Mackenzie et du $\frac{\text{5 Moharrem 1310}}{\text{31 juillet 1892}}$ à M. Portal, n'avoir aucune objection à faire contre la concession des villes, ports et territoires du Bénadir à l'Italie et d'accepter l'arrangement tel qu'il sera fait et approuvé par le Gouvernement de Sa Majesté la Reine de le Grande Brétagne et d'Irlande, Impératrice des Indes, qui est la Puissance protectrice du sultanat de Zanzibar.

La présente convention a été faite en six copies, dont deux en langue anglaise, deux en langue française et deux en langue arabe. d'une seule et même teneur. En cas de différend sur l'interprétation des stipulations de la présente concession, les textes français ou anglais seuls feront foi.

En foi de quoi, sir Gerald H. Portal, Agent diplomatique et Consul général de Sa Majesté Britannique et M. Pierre Cottoni, gérant du Consulat de Sa Majesté le Roi d'Italie, ont signé les présentes et y ont apposé leurs sceaux.

Fait à Zanzibar, le douze du mois d'août mil huit cent quatre-vingt-douze.

(L. S.) *P. Cottoni* (L. S.) *G. Portal.*

44.

ITALIE, MONTÉNÉGRO.

Convention réglant l'extradition des malfaiteurs; signée à Cettigné, le 29 août 1892.*)

Trattati e Convenzioni fra il Regno d'Italia e gli altri Stati, Vol. XIII, Rome 1895.

Sa Majesté le Roi d'Italie et Son Altesse le Prince du Monténégro, désirant d'un commun accord conclure une convention à l'effet de régler

*) Ratifications échangées à Rome le 22 janvier 1893.

l'extradition des malfaiteurs, ont nommé pour leurs plénipotentiaires savoir:

Sa Majesté le Roi d'Italie, François comte Bianchi de Lavagna, marquis de Castelbianco, commandeur de ses ordres de Ss. Maurice et Lazare, et de la Couronne d'Italie, etc., etc., son Ministre près Son Altesse le Prince du Monténégro;

Son Altesse le Prince du Monténégro, le voivode Gavro Voucovich, Conseiller d'Etat grand officier de son ordre de Danilo, etc., etc., son Ministre des affaires étrangères;

Lesquels après s'être communiqué leurs pleins pouvoirs, reconnus en bonne et due forme, sont convenus des articles suivants:

Art. 1. — Les Gouvernements italien et monténégrin s'engagent à se livrer réciproquement les individus poursuivis, mis en prévention, ou en accusation, ou condamnés, comme auteurs ou complices, pour l'un des délits indiqués ci-après à l'art. 2, commis sur le territoire de l'un des deux Etats contractants, qui se seraient réfugiés sur le territoire de l'autre. Néanmoins lorsque le délit donnant lieu à l'éxtradition aura été commis hors du territoire de la Partie requérante il pourra être donné suite à la demande lorsque la législation du pays requis autorise la poursuite des mêmes infractions commises hors de son territoire.

Art. 2. — Ces délits sont:

1. Parricide, infanticide, assassinat, empoisonnement, meurtre;

2. Coups portés ou blessures faites volontairement avec préméditation, ou ayant causé une maladie paraissant incurable, une incapacité permanente de travail personnel, la perte absolue de l'usage d'un organe, une mutilation grave ou la mort sans l'intention de la donner;

3. Bigamie, enlèvement de mineurs, viol, avortement; attentat à la pudeur commis avec violence; attentat à la pudeur commis sans violence sur la personne ou à l'aide de la personne d'un enfant de l'un ou de l'autre sexe, agé de moins de quatorze ans; attentat aux mœurs, en excitant, facilitant ou favorisant habituellement, pour satisfaire les passions d'autrui, la débauche ou la corruption des mineurs de l'un ou de l'autre sexe;

4. Enlèvement, recel, suppression, substitution ou supposition d'enfant, exposition ou délaissement d'enfant.

5. Incendie;

6. Destruction de constructions, machines à vapeur ou appareils télégraphiques;

7. Destruction de documents ou autres papiers publics;

8. Association de malfaiteurs; vols accompagnés de circonstances aggravantes, ou en tant que la valeur de l'objet du délit dépasse 500 francs; rapine, extorsion;

9. Menaces d'attentat contre les personnes ou les propriétés, punissable de la peine de mort, des travaux forcés ou de la réclusion;

10. Attentat à la liberté individuelle et à l'inviolabilité du domicile, commis par des particuliers;

11. Fausse monnaie, comprenant la contrefaçon et l'altération de la monnaie, l'émission et la mise en circulation de la monnaie contrefaite ou altérée, contrefaçon ou falsification d'effets publics ou de billets de banque,

de titres publics ou privés: émission ou mise en circulation de ces effets, billets ou titres contrefaits ou falsifiés; faux en écriture ou dans les dépêches télégraphiques et usage de ces dépêches, effets, billets ou titres contrefaits, fabriqués ou falsifiés; contrefaçon ou falsification de sceaux, timbres, poinçons et marques, à l'exception de ceux de particuliers ou de négociants; usage de sceaux, timbres, poinçons et marques contrefaits ou falsifiés et usage préjudiciable des vrais sceaux, timbres, poinçons et marques;

12. Faux témoignage et fausses déclarations d'experts ou d'interprètes, subornation de témoins, d'experts ou d'interprètes;

13. Faux serment;

14. Concussion, détournement commis par des fonctionnaires publics, corruption de fonctionnaires publics;

15. Banqueroute frauduleuse et fraudes commises dans les faillites;

16. Escroquerie, abus de confiance et tromperie en tant que la valeur du dommage causé dépasse 500 francs;

17. Abandon par le capitaine, hors les cas prévus par les codes maritimes italien et monténégrin, d'un navire ou bâtiment de commerce ou de pêche;

18. Echouement, perte, destruction, par le capitaine ou les officiers ou gens de l'équipage, détournement par le capitaine, d'un navire ou d'un bâtiment de commerce ou de pêche, jet ou destruction sans nécessité de tout ou partie du chargement, des vivres et des effets du bord; fausse route, emprunt sans nécessité sur le corps, ravitaillement ou équipement de navire ou mise en gage ou vente des marchandises ou victuailles, ou emploi dans les comptes d'avaries ou de dépenses supposées; vente du navire sans pouvoir spécial, hors le cas d'innavigabilité; déchargement de marchandises sans rapport préalable, hors le cas de péril imminent; vol commis à bord; altération de vivres ou de marchandises, commise à bord par le mélange de substances malfaisantes; attaque ou résistence avec violence et voies de fait envers le capitaine par plus du tiers de l'équipage; refus d'obéir aux ordres du capitaine ou officiers de bord pour le salut du navire ou de la cargaison, avec coups et blessures; complot contre la sûreté, la liberté ou l'autorité du capitaine; prise du navire par les marins ou passagers par fraude ou violence envers le capitaine;

19. Recélement des objets obtenus à l'aide d'un des délits prévus par la présente convention.

L'extradition pourra aussi avoir lieu pour la tentative de ces délits, lorsqu'elle est punissable d'après la législation des deux pays contractants.

Art. 3. — L'extradition ne sera jamais accordée pour les délits politiques, ni pour désertion militaire. L'individu qui serait livré pour une autre infraction aux lois pénales ne pourra, dans aucun cas, être poursuivi ou condamné pour un délit politique commis antérieurement à l'extradition, ni pour aucun fait connexe à un semblable délit.

Il ne pourra non plus être poursuivi ou condamné pour aucun des délits antérieurs à l'extradition qui ne sont pas prévus dans la présente convention, ou qui n'ont pas formé l'objet de la demande, à moins que,

après avoir été puni ou acquitté du chef du délit qui a donné lieu à l'extradition, il n'ait négligé de quitter le pays avant un délai d'un mois, ou bien qu'il n'y vienne de nouveau.

Art. 4. — L'extradition ne pourra avoir lieu, si, depuis les faits imputés, les poursuites ou la condamnation, la prescription de l'action ou de la peine est acquise d'après les lois du pays dans lequel le prévenu ou le condamné s'est réfugié.

Art. 5. — Dans aucun cas et pour aucun motif, les Hautes Parties contractantes ne pourront être tenues à se livrer leurs nationaux, sans les poursuites à exercer contre eux dans leurs pays conformément aux lois en vigueur.

Art. 6. — Si l'individu poursuivi, ou mis en prévention, ou accusé ou condamné, n'est ni monténégrin ni italien, ou si le délit a été commis hors du territoire des Parties contractantes, par un individu qui n'appartient pas à l'Etat auquel l'extradition est demandée, le Gouvernement pourra informer de cette demande, au premier cas, le Gouvernement auquel appartient l'individu réclamé, au second cas, le Gouvernement sur le territoire duquel le délit a été commis, et si un de ces Gouvernements réclame, à son tour, le même individu pour le faire juger par ses tribunaux, le Gouvernement auquell a demande d'extradition a été adressée pourra à son choix le livrer à l'un ou à l'autre Gouvernement.

Si l'individu réclamé par une des Parties contractantes est réclamé en même temps par un autre ou plusieurs autres Gouvernements, il pourra être livré au Gouvernement qui demande l'extradition du chef du délit le plus grave, et dans le cas où tous ces délits seraient de la même gravité, l'individu en question pourra être livré au Gouvernement dont la demande aura une date plus ancienne.

Art. 7. — Si l'individu réclamé est poursuivi ou condamné dans le pays ou il s'est réfugié pour un délit commis dans ce même pays, son extradition pourra être différée jusqu'à ce que les poursuites soient abandonnées, qu'l soit acquitté ou absous, ou qu'il ait subi sa peine.

Art. 8. — L'extradition sera accordée lors même que le condamné, l'accusé ou le prévenu viendrait par ce fait à être empêché de remplir les engagements contractés envers des particuliers, lesquels pourront toujours faire valoir leurs droits auprés des autorités judiciaires compétentes.

Art. 9. — Les demandes d'extradition seront adressées par voie diplomatique.

L'extradition sera accordée sur la production, soit du jugement ou de l'arrêt de condamnation, soit de l'ordonnance de la chambre de conseil ou de l'arrêt de la chambre des mises en accusation, ou de l'acte de procédure criminelle émané du juge compétent, décrétant formellement ou opérant de plain droit le renvoi du prévenu ou de l'accusé devant la juridiction répressive.

Elle sera également accordée sur la production du mandat d'arrêt ou de tout autre ayant la même force, délivré par l'autorité judiciaire étrangère compétente, pourvu que ces actes renferment l'indication précise du fait pour lequel ils ont été délivrés.

Les actes ci-dessus indiqués seront délivrés en original ou en expédition authentique dans les formes prescrites par la législation du Gouvernement qui réclame l'extradition, et accompagnés d'une copie du texte de loi applicable et, autant que possible, du signalement de l'individu réclamé, ou de toute autre indication de nature à en constater l'identité.

Art. 10. — En cas d'urgence, l'étranger sera arrêté provisoirement pour l'un des faits énumérés dans l'art. 2, sur avis donné par la voie diplomatique au Ministre des affaires étrangères et indiquant l'existence de l'un des documents mentionnés à l'art. 9.

L'arrestation sera facultative si la demande est directement parvenue à une autorité judiciaire ou administrative de l'un des deux Etats, mais cette autorité devra procéder sans délai à tous interrogatoires et investigations de nature à vérifier l'identité ou les preuves du fait incriminé, et, si quelque difficulté se présente, rendre compte au Ministre des affaires étrangères des motifs qui l'auraient engagé à surseoir à l'arrestation réclamée.

Dans tous les cas, l'étranger sera mis en liberté, si, dans le délai d'un mois après son arrestation, il ne reçoit communication de l'un des documents dont il s'agit.

L'arrestation aura lieu selon les formes et suivant les règles préscrites par la législation du Gouvernement auquel elle est demandée.

Art. 11. — Les objets volés ou saisis en la possession de l'individu dont l'extradition est demandée, les instruments ou outils dont il se serait servi pour commettre le délit qui lui est imputé, ainsi que toutes pièces de conviction, seront livrés à l'Etat réclamant, si l'autorité compétente de l'Etat requis en a ordonné la remise, même dans le cas où l'extradition, après avoir été accordée, ne pourrait avoir lieu par suite de la mort ou de la fuite du prévenu.

Cette remise comprendra aussi tous les objets de même nature qu'il aurait cachés ou déposés dans le pays où il se serait réfugié, et qui y seraient trouvés plus tard.

Sont cependant réservés les droits des tiers sur les objets mentionnés, qui doivent leur être rendus sans frais, dès que le procès sera terminé.

Art. 12. — Les frais d'arrestation, d'entretien et de transport de l'individu dont l'extradition aura été accordée, ainsi que ceux de consignation et de transport des objets qui, aux termes de l'article précédent, doivent être restitués ou remis, resteront à la charge des deux Etats dans la limite de leurs territoires respectifs.

Les frais de transport et autres sur le territoire des Etats intermédiaires seront à la charge de l'Etat réclamant.

Au cas où le transport par mer serait jugé préférable, l'individu à extrader sera conduit au port de l'Etat requis que désignera l'Agent diplomatique ou consulaire accrédité par le Gouvernement réclamant, aux frais duquel il sera embarqué.

Art. 13. — Il est formellement stipulé que l'extradition par voie de transit sur les territoires respectifs des Etats contractants d'un individu n'appartenant pas au pays de transit sera accordée sur la simple production, en original ou en expédition authentique, de l'un des actes de procédure mentionnés,

selon les cas, dans l'art. 9 ci-dessus, pourvu que le fait servant de base à l'extradition soit compris dans la présente convention et ne rentre pas dans les dispositions des articles 3 et 4.

Art. 14. — Lorsque dans la poursuite d'une affaire pénale, non politique, un des deux Gouvernements jugera nécessaire l'audition de témoins domiciliés dans l'autre Etat, ou tout autre acte d'instruction judiciaire, une commission rogatoire sera envoyée à cet effet, par la voie diplomatique et il y sera donné suite, en observant les lois du pays dans lequel l'audition des témoins ou l'acte d'instruction devra avoir lieu.

Les commissions rogatoires émanées de l'autorité compétente étrangère et tendant à faire opérer, soit une visite domiciliaire, soit la saisie du corps du délit ou de pièce à conviction, ne pourront être exécutées que pour un des faits énumérés à l'art. 2 et sous la réserve exprimée au dernier paragraphe de l'art. 11.

Les Gouvernements respectifs renoncent à toute réclamation ayant pour objet la restitution des frais résultant de l'exécution de la commission rogatoire, dans les cas même où il s'agirait d'expertise, pourvu toutefois que cette expertise n'ait pas entrainé plus d'une vacation.

Art. 15. — En matière pénale non politique, lorsque la notification d'un acte de procédure ou d'un jugement à un monténégrin ou à un italien paraîtra nécessaire au Gouvernement, monténégrin et réciproquement, la pièce transmise diplomatiquement sera signifiée à personne, à la requête du Ministère public du lieu de la résidence, par les soins d'un officier compétent, et l'original constatant la notification, revêtu du viso, sera renvoyé par la même voie au Gouvernement requérant, sans restitution des frais.

Art. 16. — Si, dans une cause pénale non politique, la comparition personnelle d'un témoin est nécessaire, le Gouvernement du pays où réside le témoin l'engagera à se rendre à l'invitation qui lui sera faite, et dans ce cas, des frais de voyage et de séjour lui seront accordés d'après les tarifs et règlements en vigueur dans le pays où l'audition devra avoir lieu. Les personnes résidant au Monténégro ou en Italie, appelées en témoignage devant les tribunaux de l'un ou de l'autre pays, ne pourront être poursuivies ni détenues pour des faits ou condamnations criminelles antérieurs, ni sous prétexte de complicité dans les faits objet du procès où elles figureront comme témoins.

Lorsque, dans une cause pénale non politique instruite dans l'un des deux pays, la production de pièces de conviction ou documents judiciaires sera jugée utile, la demande en sera faite par voie diplomatique et on y donnera suite, à moins que des considérations particulières ne s'y opposent, et sous l'obligation de renvoyer les pièces.

Les Gouvernements contractants renoncent à toute réclamation des frais résultant, dans les limites de leurs territoires respectifs, de l'envoi et de la restitution des pièces de conviction et documents.

Art. 17. — Les deux Gouvernements s'engagent à se communiquer réciproquement, aussi sans restitution de frais, les arrêts de condamnation pour délits de toute espèce, qui auront été prononcés par les tribunaux de l'un des deux Etats contre les sujets de l'autre. Cette communication sera effectuée moyennant l'envoi, par voie diplomatique, du jugement

prononcé et devenu définitif, au Gouvernement du pays auquel appartient le condamné, pour être déposé au greffe du tribunal compétent.

Chacun des deux Gouvernements donnera à ce sujet les instructions nécessaires aux autorités respectives.

Art. 18. — En cas de désaccord sur l'interprétation, ou sur l'exécution des dispositions stipulées dans la présente convention, lorsqu'on aura épuisé les moyens d'arriver directement à une composition amiable, la question sera soumise à la décision d'une commission d'arbitres et le résultat de cet arbitrage sera obligatoire pour les deux Gouvernements.

Cette commission sera composée d'un nombre égal d'arbitres choisis par l'une et l'autre Partie, et les arbitres ainsi choisis nommeront, avant toute opération, un dernier arbitre. La procédure arbitrale, si les Parties ne la détermineront pas d'accord, sera préalablement arrêtée par la commission même des arbitres.

Art. 19. — La présente convention ne sera exécutoire que dix jours après sa publication dans les formes préscrites par les lois des deux pays.

Elle est conclue pour cinq ans à partir du jour de l'échange des ratifications.

Dans le cas où aucun des deux Gouvernements n'aurait notifié, six mois avant la fin de la dite période, son intention d'en faire cesser les effets, elle demeurera obligatoire pour cinq autres années, et ainsi de suite, de cinq en cinq ans.

Art. 20. — La presente convention sera ratifiée, et les ratifications en seront échangées à Cettigné le plus tôt que faire se pourra, après sa signature.

En foi de quoi, les deux plénipotentiaires l'ont signée en double original et y ont apposé les sceaux de leurs chancelleries.

Fait, en double original, à Cettigné, le 29 août 1892.

(L. S.) *Bianchi di Lavagna.* (L. S.) *V. G. Voucovitch.*

45.

ITALIE, COLOMBIE.

Traité d'amitié, de commerce et de navigation; signé le 27 octobre 1892.*)

Trattati e Convenzioni fra il Regno d'Italia e gli altri Stati, Vol. XIII, Rome 1895.

Sua Maestà il Re d'Italia e l'Eccellentissimo signor Presidente della Republica di Colombia, desiderosi di consolidare ed aumentare le buone relazioni esistenti fra i rispettivi paesi, hanno deliberato di concludere un nuovo trattato di amicizia, commercio e navigazione, ed hanno, a tale scopo, nominato a Loro rispettivi plenipotenziari:

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*) Ratifié.

Sua Maestà il Re d'Italia.

il nobile signor Alberto Pisani Dossi, Suo Ministro residente presso la Repubblica di Colombia;

L'Eccellentissimo Presidente della Repubblica di Colombia,

il signor Marco Fedele Suàrez, Ministro per le relazioni estere della Repubblica,

I quali, dopo essersi scambiati i loro pieni poteri, trovati in buona e debita forma, hanno convenuto nei seguenti articoli:

Art. 1. — Pace ed amicizia perpetue esisteranno tra il Regno d'Italia e la Repubblica di Colombia.

Art. 2. — Vi sarà intera e completa libertà di commercio e di navigazione fra i due paesi.

I nazionali delle due Parti contraenti potranno liberamente e con ogni sicurezza approdare colle loro navi e carichi in tutti quei luoghi, porti e fiumi d'Italia e di Colombia che sono o saranno aperti alla navigazione e al commercio di qualsivoglia altra nazione.

Resta inteso che la precedente stipulazione non riguarda il commercio di cabotaggio, cioè a dire il diritto d'imbarcare mercanzie in un porto marittimo di uno degli Stati contraenti per trasportarle ad altro porto dello stesso Stato e colà sbarcarle.

Ciononostante ciascuna delle Parti contra entipotrà pretendere per le sue navi, rispetto al cabotaggio, i diritti e favori che l'altra abbia concesso o concederà ad una terza nazione, e sempre che essa medesima accordi nel suo territorio gli stessi diritti e favori alle navi dell'altra Parte.

Art. 3. — I nazionali dei due Stati contraenti avranno reciprocamente il diritto di entrare liberamente in qualsiasi parte dei rispettivi territori, di stabilire in essi il loro domicilio, di viaggiarvi, di commerciarvi all'ingrosso e al minuto, di comprarvi o prendere in affitto ed occupare case, poderi, magazzini e botteghe, di trasportare ed esportare mercanzie e metalli, di ricevere consegnazioni tanto dell'interno che di paesi esteri, senz' essere in verun caso gravati con altre o maggiori imposizioni generali o locali, tributi od obblighi, qualunque sia la loro natura, di quelli che sono o potranno essere stabiliti pei naturali.

Avranno piena libertà di dirigere personalmente i loro affari e di produrre alle dogane le loro dichiarazioni, o di farsi aiutare e rappresentare da altre persone; il che s'intende egualmente in quanto riflette la compera o la vendita di ogni sorta di oggetti, il caricamento, lo scaricamento e la spedizione delle navi.

Oltre a ciò, avranno facoltà di eseguire i mandati di qualunque specie che ricevano da propri concittadini, da stranieri o da naturali del paese, in qualità di procuratori, fattori, institori, commessi, consegnatari, interpreti e di ogni altra sorta di agenti o rappresentanti.

Godranno eguale libertà in tutte le loro compere e vendite di fissare il prezzo di qualsiasi oggetto, sia esso importato o destinato alla esportazione.

E in nessuno dei suddetti casi si potranno loro imporre altre o maggiori tasse o contribuzioni di quelle a cui sono o potranno essere assoggettati i naturali del paese, restando però inteso che essi dovranno sempre uniformarsi alle leggi ed ai regolamenti del paese dove si trovano.

Art. 4. — Gli italiani in Colombia e i colombiani in Italia godranno continuamente di una completa protezione e sicurezza per le loro persone e proprietà, e avranno libero accesso ai tribunali per sostenere e difendere le loro ragioni. A tale intento sarà loro permesso, in qualunque circostanza, di valersi di avvocati, procuratori ed agenti di qualunque sorta, riconosciuti dalle leggi del rispettivo paese. Avranno pure il permesso, in tutti i procedimenti giudiziari, di assistere tanto agli esami dei testimoni ed agli atti, quanto alle risoluzioni e sentenze dei tribunali, sempre che, secondo le leggi del rispettivo paese, non sia vietata la pubblicità di tali atti. Godranno anche del beneficio dell'assistenza giudiziaria gratuita negli stessi casi e alle stesse condizioni in cui le leggi del paese lo accordano ai naturali.

Del rimanente, per quanto concerne il procedimento giudiziario, avranno eguali diritti dei nazionali, uniformandosi, ben inteso, alle disposizioni e condizioni stabilite dalle leggi locali.

Art. 5. — I nazionali di una delle Parti contraenti andranno esenti, nel territorio dell'altra, da ogni servizio personale, sia nell'esercito che nella marina, nella guardia o milizia nazionale, come pure dall'obbligo di accettare ed assumere impieghi od incarichi politici, giudiziari od amministrativi.

D'altronde, non sarà loro lecito d'immischiarsi nelle questioni politiche e nelle lotte intestine del paese dove vivono, e, per questo motivo, il Governo colombiano si riserva il diritto di equiparare gli italiani, che appoggino volontariamente una ribellione, ai naturali, per tutto quanto riguarda la responsabilità legale dei loro atti.

Art. 6. — Le Parti contraenti si riservano il diritto di non ammettere nel rispettivo territorio o di espellerne, conformemente alle leggi di ciascun paese, gl'individui che per la loro mala vita o condotta politica, debitamente constatata, fossero considerati pericolosi.

Art. 7. — I nazionali di una delle Parti contraenti saranno esenti nel territorio dell'altra da ogni contribuzione straordinaria di guerra, imprestito forzoso, requisizione e servizio militare o politico di qualsiasi specie; le loro navi, carichi, mercanzie e altri oggetti non potranno essere confiscati, sequestrati o trattenuti in via extragiudiziale, per spedizioni militari o per qualsivoglia altro scopo. Quando qualcuna di tali misure apparisse inevitabile, si darà ai danneggiati una giusta indennità, la quale, in tempo di pace, sarà con essi previamente concordata. Per quanto concerne i loro beni mobili ed immobili, non potranno in nessun caso e modo andar soggetti ad altri o maggiori gravami o tributi di quelli imposti ai naturali del paese.

Art. 8. — Gli italiani residenti in Colombia ed i colombiani residenti in Italia godranno intera libertà di coscienza e completa sicurezza nell'esercizio del loro culto, e i rispettivi Governi non permetteranno che sieno perseguitati, molestati, inquietati nelle loro pratiche religiose, che potranno celebrare in case private, cappelle, chiese ed altri luoghi destinati al culto, osservando il decoro ecclesiastico e il rispetto dovuto alla morale e ai costumi del paese.

Gli italiani in Colombia e i colombiani in Italia avranno pure il diritto di seppellire i loro connazionali defunti nei pubblici cimiteri o in

altri luoghi convenientemente scelti e ordinati dagli stessi defunti o dai loro parenti ed amici, secondo le leggi ed i regolamenti del rispettivo Stato e d'accordo coll'autorità locale. Le solennità funebri che saranno celebrate, giusta i rispettive usi, non saranno turbate in modo alcuno, nè le tombe distrutte, violate od offese, per nessun motivo.

Art. 9. — I nazionali di una delle Parti contraenti avranno il diritto di acquistare e possedere beni di qualunque sorta, sieno mobili od immobili, nei territori o dominii dell'altra Parte, di sfruttarli con la stessa libertà permessa ai naturali, e di disporre a loro arbitrio, sia per vendita, donazione, permuta, testamento, sia per altra maniera. Parimenti, i nazionali di uno dei due paesi, ai quali sia toccata una eredità esistente nell'altro paese, possono, senza impedimento alcuno, succedere in detta eredità, legittima o testamentaria, e possono disporre di essa, salvo il dovuto pagamento di tutte le tasse e i diritti a cui i naturali sono tenuti in casi simili.

I beni acquistati a qualsiasi titolo da un italiano in Colombia o da un colombiano in Italia non potranno esser colpiti, quando i loro proprietari lascino il paese, da alcuna imposizione o riduzione, nè da altro qualunque diritto al quale non siano soggetti i beni dei naturali in caso eguale.

Art. 10. — Se, sventuratamente, venisse turbata la pace tra le due Parti contraenti, resterà sempre permesso ai nazionali dell'una che si trovino nel territorio dell'altra esercitando il commercio o qualunque altro ufficio, di rimanere nel paese e di continuarvi la loro arte, professione o mestiere, finchè non si rendano colpevoli di qualche infrazione contro le leggi politiche del paese e non arrechino nocumento all'ordine pubblico.

Nel caso di una guerra o di una interruzione nelle relazioni amichevoli tra i due Stati non si potrà, in modo alcuno, assoggettare la proprietà dei nazionali di una delle Parti contraenti a requisizioni, sequestri, embargos o a qualunque altra imposizione o contribuzione, alle quali non fossero assoggettati i nazionali nel territorio dell'altra Parte.

Parimenti, durante la interruzione della pace, non si potranno confiscare, sequestrare nè il denaro dovuto da privati, nè i titoli di credito pubblico, assegni o depositi bancari, azioni, nè altri analoghi, in danno de' rispettivi nazionali e a beneficio del paese dove si trovano.

Art. 11. — I commercianti italiani in Colombia e i commercianti colombiani in Italia godranno, rispetto ai diritti di dogana, degli stessi vantaggi e immunità di cui godono o godranno in avvenire i cittadini della nazione più favorita. In nessun caso i diritti d'importazione gravanti in Italia sovra i prodotti del suolo e dell'industria colombiana, o in Colombia sovra i prodotti del suolo e dell'industria italiana, potranno essere diversi o maggiori di quelli di cui sono o potranno esser gravati gli stessi prodotti della nazione più favorita. Il medesimo sistema si osserverà per le esportazioni ed il transito.

Nessuna proibizione o restrizione riferentesi alla importazione ed esportazione di qualsiasi genere sarà adottata nel commercio reciproco, se non per riguardo a imonopoli esistenti o che potranno venir stabiliti dai rispettivi Governi. Le formalità di dogana che si richiedono per le merci importate od esportate da uno dei due paesi non potranno essere maggiori o diverse di quelle che si applicano a tutte le altre nazioni.

Art. 12. — Le navi italiane che approdino ai porti di Colombia o

ne salpino, e le navi colombiane che approdino ai porti d'Italia o ne salpino, non pagheranno, per quanto è alla nave, maggiori o diversi diritti, sia di tonnellaggio, pilotaggio, porto, faro, quarantena o altri, di quelli che pagano o pagheranno le navi nazionali.

Il diritto di tonnellaggio e gli altri diritti imposti in ragione della capacità della nave si calcoleranno ed esigeranno in Colombia sulle navi italiane a tenore del registro italiano e così sarà fatto nei porti d'Italia rispetto alle navi colombiane.

Le navi che entrate in zavorra usciranno in zavorra da un porto, qualunque sia la loro provenienza, andranngo esenti da ogni diritto di tonnellaggio e spedizione nei porti rispettivi.

Art. 13. — Le merci ed oggetti di qualsiasi specie che si importano in uno dei due paesi sotto bandiera dell'altro, qualunque sia la loro origine o provenienza, non pagheranno maggiori o diversi diritti d'importazione nè imposizioni di quelli a cui sarebbero assoggettati se introdotti sotto bandiera nazionale.

Parimenti, le merci od oggetti di qualsiasi specie che si esportano da uno dei due paesi sotto bandiera dell'altro, qualunque sia il paese di loro destinazione, non pagheranno maggiori o diversi diritti nè saranno sottoposti ad altre formalità, fuorchè a quelle cui sarebbero assoggettati se esportati sotto bandiera nazionale.

Art. 14. — Le navi italiane in Colombia e le navi colombiane in Italia potranno sbarcare parte del loro carico proveniente dall'estero in un porto ed il rimanente del carico in un altro od altri porti dello stesso paese. Così pure potranno prendere i loro noli di ritorno in diversi porti del paese senz'essere obbligati a pagare in ciascun porto altri o maggiori diritti di quelli che le navi nazionali sono tenute a soddisfare in circostanze analoghe. Resta, però, inteso che, riguardo al cabotaggio, sarà osservata la stipulazione di cui all'art. 2 del presente trattato.

Art. 15. — Le navi dei nazionali di una delle Parti contraenti che naufragassero od incagliassero sul litorale dell'altra o che, in caso di estremo pericolo o avarìa, entrassero in porti o arrivassero presso le coste dell'altra Parte, potranno essere assoggettate a quei soli diritti di navigazione che in circostanze analoghe pagano o pagheranno le navi nazionali.

Oltre a ciò, esse avranno facoltà di trasbordare su altre navi tutto o parte del loro carico o di deporre questo a terra od in magazzini, senz'essere tenute a soddisfare altre o maggiori tasse da quelle, all'infuori, dello scaricamento, o maggiori spese da quelle, all'infuori, dell'affitto dei magazzini pubblici e per l'uso degli arsenali e moli pubblici, sempre beninteso che le merci non sieno destinate al consumo interno del paese. A questo fine, come pure per quelli dell'approvvigionarsi e del rimettersi in grado di proseguire al più presto possibile il loro viaggio, sarà loro prestato ogni maggiore ausilio e protezione.

Art. 16. — Quando una nave di uno dei paesi contraenti venisse a naufragare, investire o soffrire avarìe sulle coste od in altro qualsiasi luogo di giurisdizione dell'altra Parte, i cittadini rispettivi riceveranno per essi e per i loro bastimenti, effetti o mercanzie ogni possibile soccorso ed assisistenza da parte dell'autorità locale.

Quest'ultima autorità dovrà dare, al più presto possibile, avviso dell'infortunio all'ufficiale consolare del rispettivo distretto o, in sua mancanza, a quello della residenza consolare più vicina al luogo dove avvenne, lasciando al detto ufficiale, non appena si presenti o mandi altra persona in sua vece, la direzione delle operazioni relative al salvataggio.

Per l'intervento dell'autorità locale nei suddetti casi non si rimborseranno spese di qualsiasi sorta, salvo quelle cagionate dalle operazioni di salvataggio e per la conservazione degli oggetti salvati.

Art. 17. — In tutti i territori o domini di una delle Parti contraenti sarà accordato alle navi dell'altra la facoltà di completare il proprio equipaggio per poter continuare il viaggio con marinai arruolati nel paese, semprechè si conformino alle leggi locali e l'arruolamento sia volontario.

Qualora un bastimento di una delle Parti contraenti voglia completare nei porti del proprio paese il suo equipaggio con marinai cittadini dell'altra Parte, dovrà previamente ottenere un permesso in iscritto dell'ufficiale consolare dell'altra nazione.

Art. 18. — Saranno considerati e trattati come bastimenti italiani in Colombia e come bastimenti colombiani in Italia, quelli che navigheranno sotto la rispettiva bandiera e che saranno muniti delle carte di bordo e degli altri documenti richiesti dalla legislazione degli Stati rispettivi per giustificare la nazionalità della nave.

Art. 19. — I piroscafi di ciascuna delle Parti contraenti, destinati ad un servizio periodico tra i due paesi, godranno delle stesse agevolezze per la loro entrata, spedizione ed uscita di cui godono o godranno i piroscafi della nazione più favorita.

Art. 20. — Le navi da guerra di ciascuna delle Parti contraenti potranno liberamente entrare, stazionare e ripararsi in tutti quei porti, fiumi e luoghi dell'altra Parte, il cui accesso sia o potrà essere permesso alle navi da guera della nazione più favorita, e vi saranno trattate come queste ultime.

Art. 21. — Le Parti contraenti convengono nel concedere reciprocamente ai rispettivi agenti diplomatici delle diverse classi i medesimi privilegi, esenzioni ed immunità di cui godono o godranno in avvenire gli agenti di pari o analoga classe della nazione più favorita, accreditati presso di esse.

Egualmente, ambo le Parti contraenti, desiderose di evitar discussioni che potrebbero alterare i loro rapporti amichevoli, convengono che in materia di reclami o querele di individui privati riferentesi all'ordine penale, civile od amministrativo, i loro agenti diplomatici si asteranno dall'intervenire, salvochè nei casi in cui si tratti di denegata giustizia, di ritardo straordinario od illegale nel far giustizia, o di mancata esecuzione di una sentenza definitiva, oppure, quando esauriti i mezzi legali, vi sia violazione espressa dei patti esistenti tra le due Parti e delle norme del diritto internazionale, tanto pubblico quanto privato, generalmente riconosciute dalle nazioni civili.

Resta parimenti stipulato fra le due Parti contraenti che il Governo italiano non terrà responsabile il Governo colombiano, salvo in casi di constatata colpa o negligenza da parte delle autorità di Colombia o dei loro agenti, dei pregiudizi sofferti, in tempo di insurrezione o di guerra

civile, dai cittadini italiani nel territorio colombiano per parte degli insorti, od occasionati loro dalle tribù selvaggie dipendenti dal Governo.*)

Art. 22. — Le Parti contraenti si riservano di stipulare una convenzione sovra i diritti e gli obblighi dei rispettivi ufficiali consolari. Finchè tale convenzione non entri in vigore, s'impegnano a concedersi reciprocamente, in materia consolare, tutti i diritti e favori accordati o che si accorderanno alla nazione più favorita.

Frattanto, gli ufficiali consolari di una delle Parti contraenti avranno anche il diritto di custodire ufficialmente ed amministrare i beni mobili dei loro nazionali morti nel territorio dell'altra Parte senza lasciare eredi presenti nè esecutori testamentari. L'ufficiale consolare rispettivo si rivolgerà in tal caso all'autoritá locale competente perchè questa possa assistere alla apposizione dei suggelli e alla formazione dell'inventario di detti beni mobili.

Formato l'inventario, l'ufficiale consolare manterrà in suo potere i beni mobili, comprese le carte, del defunto e li amministrerà; pubblicherà nel suo distretto la notizia della morte del nazionale, venderà gli oggetti facili ad essere distratti o a deperire o di conservazione costosa o la cui alienazione fosse necessaria per pagare debiti del defunto e disporrà di quanto rimane secondo le istruzioni del proprio Governo.

Non potrà, tuttavia, consegnare agli eredi nè i beni nè il loro prodotto liquido prima che tutte le obligazioni contratte dal defunto nel paese dove avvenne la morte sieno state soddisfatte o che dodici mesi sieno trascorsi dalla data della sovraccennata pubblicazione consolare, senza che nessun reclamo sia stato presentato contro la successione.

Le liti risultanti da reclami contro la successione saranno giudicate conformemente alle leggi del territorio dove avvenne la morte.

Se nel luogo dove quest'ultima si verificò non esiste un ufficiale consolare della Parte contraente alla quale apparteneva il defunto, l'autorità locale competente procederà secondo le leggi del suo paese. Chiesta però la consegna dei mobili e delle carte del defunto, per parte dell'ufficiale consolare, essi saranno immediatamente rimessi, contro ricevuta, a quest'ultimo o alla persona che, sotto la sua responsabilità, sia da lui designata.

Art. 23. — I nazionali di ciascuna delle due Parti contraenti godranno nel territorio dell'altra della stessa protezione dei naturali per tutto quanto riguarda la proprietà delle invenzioni e scoperte industriali, come pure delle marche e segni di fabbrica o di commercio.

Tale protezione non potrà durare a favore degli italiani in Colombia e, reciprocamente, dei colombiani in Italia per un tempo maggiore di quello che la legge del paese ha stabilito per i nazionali e non potrà essere invocata per quelle invenzioni e scoperte, marche e segni di fabbrica o di commercio che appartengano al dominio pubblico, nel paese di origine.

I diritti dei cittadini di una delle Parti contraenti non saranno subordinati nel territorio e nei dominii dell'altra alla condizione che essi

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*) Vedi lo scambio di note a pag. 197 del presente volume.

traggano profitto della propria invenzione o scoperta o facciano uso delle rispettive marche. Non si potrà, tuttavia, rivendicare, dagli italiani in Colombia e dai colombiani in Italia, la proprietà esclusiva delle invenzioni, scoperte o marche rispettive senza la previa osservanza delle leggi e regolamenti che ivi sono o saranno in vigore per ciò che riguarda il deposito dei relativi disegni o modelli.

Art. 24. — Le due Parti contraenti si obbligano di far eseguire le notificazioni o citazioni giudiziarie e le commissioni rogatorie riguardanti atti di istruzione delle rispettive autorità giudiziarie, in quanto le leggi del paese non vi si oppongano.

Le notificazioni, citazioni e commissioni rogatorie saranno trasmesse in via diplomatica.

Le spese occorrenti resteranno a carico, in materia penale, del Governo richiesto; in materia civile o commerciale, degli interessati.

Art. 25. — Le due Parti contraenti convengono nel concedersi reciprocamente tanti diritti e favori, in materie commerciali, marittime, di navigazione nell'acque dell'interno e di protezione dei propri nazionali, quanti ne hanno concessi o concederanno in avvenire alla nazione più favorita.

Le agevolezze che una delle Parti contraenti abbia accordato o accordasse a paesi limitrofi, per favorire il traffico nelle zone di frontiera, non potranno dall'altra Parte essere reclamate, finchè tali agevolezze non sieno accordate ad un altro paese non limitrofo.

Art. 26. — Tra le Parti contraenti si stipulerà una convenzione speciale per la estradizione dei malfattori e per la esecuzinoe delle sentenze in materia penale. Finchè tale convenzione non entri in vigore, la Parte richiedente godrà nel territorio della parte richiesta degli stessi diritti e favori concessi o da concedersi in avvenire dalla Parte richiesta alla nazione più favorita, per quanto concerne la estradizione dei malfattori e le rogatorie in materia penale, semprechè la Parte richiedente, nel presentar la domanda, assicuri alla Parte richiesta la reciprocità iu casi analoghi.

Art. 27. — Le due Parti contraenti convengono che le controversie le quali possano sorgere intorno alla interpretazione o alla esecuzione del presente trattato o alle conseguenze di qualche sua violazione, debbano assoggettarsi, quanto sieno esauriti i mezzi di comporle direttamente e amichevolmente, alla decisione di Commissioni arbitrali e che il risultato di simile arbitrato sarà obbligatorio per entrambe.

I componenti tali Commissioni saranno scelti dai due Governi di comune consenso, e se ció non fosse possibile, ognuna delle Parti nominerà il proprio arbitro o un numero eguale di arbitri e gli arbitri nominati ne scegliuranno un ultimo.

La procedura arbitrale sarà in ciascuno dei casi determinata dalle Parti contraenti, e in diffeto, il Collegio stesso degli arbitri s'intenderà autorizzato a preliminarmente determinarla.

Art. 28. — Il presente trattato sarà ratificato e le ratifiche si scambieranno in Roma o in Bogotà, al più presto possibile.

Esso entrerà in vigore tre mesi dopo lo scambio delle ratifiche e avrà la durata di dieci anni, a cominciare dal giorno della sua entrata in

vigore. Se dodici mesi prima del termine nessuna delle Parti contraenti lo avrà ufficialmente denunciato, il presente trattato rimarrà vigente per un altro anno e così de seguito, fino ad un anno dopo la suaccennata denuncia.

In fede di che, i plenipotenziari rispettivi hanno firmato il presente trattato e vi hanno apposto i loro suggelli.

Fatto, in doppio originale, in Bogotà, il giorno ventisette di ottobre dell'anno mille ottocento novantadue.

(L. S.) *Alberto Pisani Dossi.*
(L. S.) *Marco F. Suàrez.*

(Annesso 1.)

Scambio di note relativo agli articoli 21 (inciso 3°) e 25 del trattato.

Il regio ministro d'Italia in Bogotà
al ministro delle relazioni estere di colombia.

Bogotà, 27 ottobre 1892.

Il sottoscritto, Ministro residente di Sua Maestà il Re d'Italia, ha l'onore di fare la seguente communicazione a Sua Eccellenza il signor Ministro delle relazioni estere della Repubblica di Colombia.

A tenore degli articoli 21 (inciso 3°) e 25 del trattato di amicizia, commercio e navigazione, oggi firmato, tra il Regno d'Italia e la Repubblica di Colombia, resta inteso fra le Parti contraenti che se il Governo colombiano indennizzasse in avvenire qualunque individuo non italiano per danni cagionatigli in Colombia da rivoluzionari o da tribù selvaggie, benchè non siasi verificata colpa o mancanza della debita diligenza da parte delle autorità colombiane o dei loro agenti, il Governo colombiano accorderà le stesse indennità agli italiani che si trovino in circostanze analoghe.

Il sottoscritto ha l'onore, ecc.

Alberto Pisani Dossi.

Il ministro delle relazioni estere di Colombia
al regio ministro d'Italia in Bogotà.

(Traduzione.)

Bogotà, 27 ottobre 1892.

Il sottoscritto, Ministro delle relazioni estere di Colombia, ha l'onore di fare la seguente comunicazione a Sua Eccellenza il dott. Alberto Pisani Dossi, Ministro residente d'Italia.

A tenore degli articoli 21 (inciso 3°) e 25 del trattato di amicizia, commercio e navigazione, oggi firmato, tra il Regno d'Italia e la Repubblica di Colombia, resta inteso fra le Parti contraenti che se il Governo colombiauo indennizzasse in avvenire qualunque individuo non italiano per danni cagionatigli in Colombia da rivoluzionari o da tribù selvaggie, benchè non siasi verificata colpa o mancanza della debita diligenza da parte delle

autorità colombiane o dei loro agenti, il Governo colombiano accorderà le stesse indennità, agli italiani che si trovino in circostanze analoghe.

Il sottoscritto ha l'onore ecc.

Marco F. Suàrez.

(Annesso II).

Scambio di note per la protezione della proprietà scientifica, letteraria ed artistica.

Il regio ministro d'Italia in Bogotà
al ministro delle relazioni estere di Colombia.

Bogotà, 27 ottobre 1892.

Riferendosi al trattato di amicizia, commercio e navigazione, oggi firmato, tra l'Italia e la Colombia, il sottoscritto, Ministro residente di Sua Maestà il Re d'Italia, ha l'onore di fare a Sua Eccellenza il Ministro delle relazioni estere della Republica di Colombia la seguente proposta.

Finchè i due Governi non abbiano stipulato un accordo sulla proprietà delle opere scientifiche, letterarie ed artistiche, gli italiani in Colombia e i colombiani in Italia avranno gli stessi diritti dei nazionali, per tutto quanto si riferisce alla suaccennata proprietà, sotto le medesime condizioni e riserve stabilite, o che in futuro si stabilissero, dalle leggi del rispettivo paese.

Il sottoscritto profitta, ecc.

Alberto Pisani Dossi.

Il ministro delle relazioni estere di Colombia
al regio ministro d'Italia in Bogotà.

(Traduzione).

Bogotà, 27 ottobre 1892.

Il sottoscritto, prendendo atto della proposta contenuta nella pregiata nota di Sua Eccellenza il signor Ministro residente d'Italia, in data di oggi, riferentesi ai diritti di proprietà letteraria ed artistica, ha l'onore di dichiarare a Sua Eccellenza che il Governo della Repubblica accetta la proposta, in attesa che venga stipulato fra i due paesi un accordo formale al riguardo.

In conseguenza, i colombiani ín Italia e gli italiani in Colombia godranno degli stessi diritti dei nazionali, per tutto ciò che si riferisce alla proprietà delle opere scientifiche, letterarie ed artistiche, sotto le condizioni e riserve stabilite, o che si stabiliranno in seguito dalle leggi dei rispettivi paesi.

In questa occasione, il sottoscritto rinnova ecc.

Marco F. Suàrez.

46.

PAYS-BAS, BELGIQUE.

Convention conclue pour assurer réciproquement le bénéfice de l'assistance judiciaire aux nationaux de l'autre pays; signée à Bruxelles le 31 octobre 1892.*)

Staatsblad van het Koningrijk der Nederlanden. 1894, No. 10.

Convention.

Sa Majesté la Reine des Bays-Bas et en Son nom Sa Majesté la Reine-Régente du Royaume et Sa Majesté le Roi des Belges, désirant d'un commun accord conclure une Convention pour assurer réciproquement le bénéfice de l'assistance judiciaire aux nationaux de l'autre pays, ont nommé, à cet effet, pour leurs plénipotentiaires, savoir;

Sa Majesté la Reine-Régente du Royaume des Pays-Bas, M. le Baron Gericke de Herwijnen, Chevalier Grand Croix de l'Ordre de Lion Néerlandais, Chevalier de 1 classe de l'Ordre du Lion d'or de la Maison de Nassau, Grand Cordon de l'Ordre de Leopold de Belgique, etc. etc., Envoyé Extraordinaire et Ministre Plénipotentiaire de Sa Majesté la Reine des Pays-Bas près Sa Majesté le Roi des Belges;

et Sa Majesté le Roi des Belges, M. Auguste Beernaert, Son Ministre des Finances et des Affaires Etrangères ad interim, Officier de Son Ordre de Léopold, Grand Croix des Ordres de l'Etoile Africaine, de la Légion d'honneur, de l'Aigle rouge, etc. etc.;

lesquels, après s'être communiqué leurs pleins pouvoirs trouvés en bonne et due forme, sont convenus des articles suivants:

Art. 1. — Les Néerlandais résidant depuis au moins dix-huit mois en Belgique et les Belges résidant depuis au moins dix-huit mois dans les Pays-Bas seront réciproquement admis au bénéfice de l'assistance judiciaire gratuite sur le même pied que les nationaux et en se conformant à la législation de l'Etat où l'assistance judiciaire gratuite et réclamée.

Art. 2. — L'autorité chargée de délivrer le certificat d'indigence pourra faire prendre, par rapport à l'état de fortune de l'étranger qui demande l'assistance, des renseignements auprès des autorités de l'Etat auquel celui-ci appartient.

Art. 3. — L'admission au bénéfice de l'assistance judiciaire gratuite, accordé en vertu de l'article premier entraine de plein droit la dispense de toute caution ou dépôt, qui, sous quelque dénomination que ce soit, peut être exigée aux termes de la législation de l'Etat où l'action est introduite, des étrangers plaidant contre les nationaux de cet Etat.

Art. 4. — Dans le cas où quelque difficulté surgirait au sujet de l'interprétation de la présente Convention, les Hautes Parties Contractantes s'engagent à se soumettre à la décision d'une commission d'arbitres.

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*) Ratifiée à Bruxelles le 30 janvier 1894.

Cette commission sera composée d'un nombre égal d'arbitres choisis par les Hautes Parties Contractantes et d'un arbitre désigné par ces arbitres.

Art. 5. — La présente Convention est conclue pour cinq années, à partir du jour de l'échange des actes de ratification. Dans le cas où aucune des deux Hautes Parties Contractantes n'aurait notifié une année avant l'expiration de ce terme son intention d'en faire cesser les effets, la Convention continuera à être obligatoire encore une année et ainsi de suite d'année en année à compter du jour où l'une des Parties l'aura dénoncée.

La présente Convention sera ratifiée et les ratifications en seront échangées à Bruxelles aussitôt que possible après l'accomplissement des formalités constitutionnelles dans les deux Pays.

En foi de quoi les soussignés ont signé en double la présente Convention et y ont apposé leur cachet.

Bruxelles, le 31 Octobre 1892.

(L. S.) (signé) *L. Gericke.* (L. S.) (signé) *A. Beernaerd.*

47.

PÉROU.

Règlement du cérémoniel diplomatique; du 19 nov. 1892.

Publication officielle, Lima 1892.

Ceremonial Diplomático.

I

Recepción del Enviado Extraordinario y Ministro Plenipotenciario y del Ministro Residente.

El Ministro extranjero anuncia su llegada por carta dirigida al Ministro de Relaciones Exteriores, remitiéndole la copia de estilo de sus credenciales y solicitando audiencia para ponerlas en manos de S. E. el Presidente de la República.

Fijados el dia y la hora para la audiencia, el Ministro de Relaciones Exteriores lo participa por nota al Ministro extranjero, quien se sirve enviar copia del discurso oficial.

El día señalado, el Maestro de Ceremonias, va acompañado del Ayudante del Ministerio de Relaciones Exteriores, al domicilio del Ministro extranjero, á buscarle en un coche de Gobierno. El Maestro de Ceremonias se coloca á la izquierda del Ministro. Si el personal de la Legación se compone de más de tres individuos, van dos coches oficiales.

A su entrada en Palacio, se hacen honores militares al Ministro por la guardia usual, limitándose á formar.

La recepción se verifica con asistencia del Ministro de Relaciones Exteriores. El Agente Diplomático dirige á S. E. el Presidente el oportuno

discurso, que es contestado por S. E., quien recibe las cartas credenciales, entregándolas inmediatamente al Ministro del Ramo. Dicho discurso y la contestación se publican en el periódico oficial.

Si acompaña al Ministro extranjero algunos de los individuos de la Legación que no han sido presentados antes á S. E. el Presidente, puede aquél hacerlo en ese acto.

Terminada la ceremonia, un Edecán de S. E. el Presidente acompaña al Ministro hasta la puerta del salón de recepciones; la guardia presenta armas y toca marcha, si el Ministro tiene el carácter de Enviado Extraordinario y Plenipotenciario; y dicha guardia se limita á formar si se trata de un Ministro Residente. El Ministro regresa á su morada en la misma forma de la venida, retirándose el Maestro de Ceremonias y el coche ó coches de Palacio.

Después de la visita con que el Agente Diplomático corresponde al Ministro de Relaciones Exteriores, el Maestro de Ceremonias le acompaña á visitar, en sus respectivos Despachos, á los demás Ministros de Estado, según el orden establecido.

En los casos de despedidas temporales, regresos, presentaciones, entrega de Cartas relativas á notificaciones de nacimientos, etc., el Ministro Extranjero es recibido en audiencia privada por S. E. el Presidente de la República.

Toda audiencia al Jefe del Estado se pide siempre por conducto del Ministro de Relaciones Exteriores, haciéndole saber su objeto.

II.

Recepción del Encargado de Negocios efectivo.

El Encargado de Negocios efectivo, estando acredítado por su Ministro de Negocios Extranjeros, no es recibido por S. E. el Presidente de la República, sino por el Ministro de Relaciones Exteriores, con asistencia del Oficial Mayor del Ramo. La entrega de la Carta de Gabinete tiene lugar siempre en audiencia privada y sin discursos.

Terminado este acto, si el Encargado de Negocios solicita una audiencia privada á fin de saludar á S. E. el Presidente, le es concedida. Acompañale el Maestro de Ceremonias para hacer la presentación correspondiente.

III.

Precedencia y tratamientos.

En last fiestas y asistencias oficiales, después de S. E. el Presidente de la República y los Ministros de Estado, se colocan los Presidentes de las Cámaras Legislativas, si asisten; en seguida vienen los miembros del Cuerpo Diplomático, en el orden de su categoría y antigüedad.

La antigüedad de los Agentes Diplomáticos extranjeros, se cuenta desde el dia de la presentación de sus credenciales. Los Encargados de Negocios interinos ajustan su rango á la antigüedad de su entrada en funciones.

La Cancillería peruana da por cortesía el tratamiento acostumbrado á

cada Soberano, con el calificativo correspondiente. La misma práctica observa respecto de las corporaciones y de los principales funcionarios extranjeros y miembros de las familias reales, consultando la reciprocidad en los casos en que ésta existe.

El Enviado Extraordinario y Ministro Plenipotenciario extranjero recibe el tratamiento de Vuestra Excelencia; el Ministro Residente, el de Vuestra Señoría Honorable; el Encargado de Negocios, efectivo ó interino, el de Vuestra Señoría.

Los Agentes Consulares no reciben tratamiento alguno especial, cualesquiera que sean su rango y categoría.

Lima, 19 de Noviembre de 1892.

E. Larrabure y Unanue.

Lima, Noviembre 19 de 1892.

Visto el reglamento que precede, formulado por el Ministerio de Relaciones Exteriores; consultándose en él la uniformidad de reglas en el ceremonial diplomático del Perú y la práctica establecida: apruébase dicho Reglamento, quedando derogadas las disposiciones dadas hasta esta fecha, en que entrará en vigencia.

Regístrese, communíquese y publíquese.

Rúbrica de S. E.

Larrabure y Unanue.

48.

PORTUGAL, GRANDE-BRETAGNE.

Traité d'extradition signé à Lisbonne le 17 octobre 1892, suivi d'un protocole additionnel du 30 novembre 1892.

Documentos apresentados ás Cortes na Sessão Legislativa de 1893 pelo Ministro e Secretario d'Estado dos Negocios Estrangeiros, Lisboa, Imprensa Nacional 1893.

His Most Faithful Majesty the King of Portugal and of the Algarves and Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, Empress of India, having judged it expedient, with a view to the better administration of justice and to the prevention of crime within their respective territories, that persons charged with or convicted of the crimes hereinafter enumerated and being fugitives from justice, should, under certain circumstances, be reciprocally delivered up; the said High Contracting Parties have named as their plenipotentiaries to conclude a Treaty for this purpose, that is to say:

His Most Faithful Majesty the King of Portugal and of the Algarves, D. Antonio Ayres de Gouveia, Concillor of His Majesty, Peer of the Realm, Bishop of Bethsayda, retired professor of the university of Coimbra, His Majesty's Minister and secretary of State for Foreign Affairs, etc.; and Her

Majesty the Queen of the United Kingdom of Great Britain and Ireland, Empress of India, Sir George Glynn Petre, Knight Commander of the most distinguished order of St. Michael and St. George, Companion of the most honourable order of the Bath, Her Majesty's Envoy Extraordinary and Minister Plenipotentiary at the Court of His Most Faithful Majesty, etc.; who having communicated to each other their respective full powers, found in good and due form, have agreed upon and concluded the following articles;

Art. 1. — The High Contracting Parties engage to deliver up to each other those persons who, being accused or convicted of a crime or offence committed in the territory of the one Party, shall be found within the territory of the other Party, under the circumstances and conditions stated in the present Treaty.

Art. 2. — The crimes or offences for which the extradition is to be granted are the following:

1. Murder (including assassination, infanticide and poisoning) or attempt or conspiracy to murder.
2. Manslaughter.
3. Maliciously wounding or inflicting grievous bodily harm.
4. Assault occasioning actual bodily harm.
5. Counterfeiting or altering money either metallic or for any other kind representing the first named, or uttering counterfait or altered money of any of those kinds.
6. Knowingly making any instrument, tool or engine adapted and intended for counterfeiting coin.
7. Forgery, counterfeiting or altering or uttering what is forged or counterfeited or altered.
8. Embezzlement or larceny.
9. Malicious injury to property if the offence be indictable.
10. Obtaining money, goods or valuable securities by false pretences.
11. Receiving money, valuable security, or other property, knowing the same to have been stolen, embezzled or unlawfully obtained.
12. Crimes against bankruptcy law.
13. Fraud by a bailee, banker, agent, factor, trustee or director, or member, or public officer of any company, made criminal by any law for the time being in force.
14. Perjury or subornation perjury.
15. Rape,
16. Carnal knowledge or any attempt to have carnal knowledge of a girl under sixteen years of age.
17. Indecent assault.
18. Administering drugs or using instruments with intent to procure the miscarriage of a woman.
19. Abduction.
20. Bigamy.
21. Child stealing.
22. Abandoning children, exposing or unlawfully detaining them.
23. Kidnapping and false imprisonment.

24. Burglary or house breaking.

25. Arson.

26. Robbery with violence.

27. Any malicious act done with intent to endanger the safety of any person in a railway train.

28. Threats by letter or otherwise with intent to extort.

29. Piracy by law of nations.

30. Sinking or destroying a vessel at sea or attempting or conspiring to do so.

31. Assaults on board a ship on the high seas, wit intent to destroy life or to do grievous bodily harm.

32. Revolt or conspiracy to revolt by two or more persons on board a ship on the high seas against the authority of the master.

33. Dealing in slaves in such a manner as to constitute a criminal offence against the laws of both States.

Extradition is also to be granted for participation in any of the aforesaid crimes, provided such participation be punishable by the laws of both the Contracting Parties.

Extradition may also be granted ad the discretion of the State applied to, in respect of any other crime for which according to the laws of both the Contracting Parties for the time being in force the grant can be made.

The Portuguese Government will not deliver up any person either guilty or accused of any crime punishable with death.

Art. 3. — The Portuguese Government will not grant the extradition of any Portuguese subject and Her Britannic Majesty's Government will not grant the extradition of any British subject, but in the case of a naturalized subject this article shall only be applicable if the naturalization was obtained previous to the commission of the crime giving rise to the application for extradition.

Art. 4. — The extradition shall not take place if the person claimed on the part of the Portuguese Government, or the person claimed on the part of the British Government, has already been tried and discharged or punished, or is still under trial, within the territories of the two High Contracting Parties respectively, for the crime for which his extradition is demanded.

If the person claimed on the part of the Portuguese Government, or if the person claimed on the part of the British Government, should be under examination, or is undergoing sentence under a conviction, for any other crime within the territories of the two High Contracting Parties respectively, his extradition shall be deferred until after he has been discharged, whether by acquittal, or on expiration of his sentence, or otherwise.

Art. 5. — The extradition shall not take place if, subsequently to the commission of the crime, or the institution of the penal prosecution, or the conviction thereon, exemption from prosecution or punishment has been acquired by lapse of time, according to the laws of the State applied to.

Art. 6. — A fugitive criminal shall not be surrendered if the offence

in respect of which his surrender is demanded is one of a political character, or if he proves that the requisition for his surrender has in fact been made with a view to try or punish him for an offence of a political character.

Art. 7. — A person surrendered can in no case be kept in prison, or be brought to trial in the State to which the surrender has been made, for any other crime or on account of any other matters than those for which the extradition shall have taken place, until he has been restored or had an opportunity of returning to the State by which he has been surrendered.

This stipulation does not apply to crimes committed after the extradition.

Art. 8. — The requisition for extradition shall be made through the diplomatic agents of the High Contracting Parties respectively.

The requisition for the extradition of an accused person must be accompanied by a warrant of arrest issued by the competent authority of the State requiring the extradition and by such evidence as according to the laws of the place where the accused is found would justify his arrest if the crime had been committed there.

If the requisition relates to a person already convicted, it must be accompanied by the sentence of condemnation passed against the convicted person by the competent Court of the State that makes the requisition for extradition.

A sentence passed in contumaciam is not to be deemed a conviction; but circumstances may cause a person so sentenced in contumaciam to be dealt with as an accused person.

Art. 9. — If the requisition for extradition be in accordance with the foregoing stipulations, the competent authorities of the State applied to shall proceed to the arrest of the fugitive.

Art. 10. — If the fugitive has been arrested in the British dominions, he shall forthwith be brought before a competent magistrate, who is to examine him and to conduct the preliminary investigation of the case, just as if the apprehension had taken place for a crime committed in the British dominions.

In the examinations which they have to make in accordance with the foregoing stipulations the authorities of the British dominions shall admit as valid evidence the sworn depositions or the affirmations of witnesses taken in the dominions of Portugal, or copies thereof, and likewise the warrants and sentences issued therein, and certificates of, or judicial documents stating the fact of, a conviction, provided the same are authenticated as follows:

1. A warrant must purport to be signed by a Portuguese judge, magistrate, or officer.

2. Depositions or affirmations, or the copies thereof, must purport to be certified under the hand of a Portuguese judge, magistrate, or officer, to be the original depositions or affirmations or to be the true copies thereof, as the case may require.

3. A certificate of or judicial document stating the fact of a conviction must purport to be certified by a Portuguese judge, magistrate, or officer.

4. In every case such warrant, deposition, affirmation, copy, certi-

ficate, or judicial document must be authenticated either by the oath of some witness, or by being sealed with the official seal of Minister of Justice, or some other Portuguese Minister; but any other mode of authentication for the time being permitted by the law in that part of the British dominions where the examination is taken may be substituted for the foregoing.

Art. 11. — If the fugitive has been arrested in the dominions of Portugal his surrender shall be granted if upon examination by a competent authority it appears that the documents furnished by the British Government contain sufficient prima facie evidence to justify the extradition.

The Portuguese authorities shall admit as valid evidence records drawn up by the British authorities of the depositions of witnesses, or copies thereof, and records of conviction or other judicial documents, or copies thereof: provided that the said documents, be signed or authenticated by an authority whose competence shall be certified by the seal of a Minister of State of Her Britannic Majesty.

Art. 12. — The extradition shall not take place unless the evidence be found sufficient, according to the laws of the State applied to, either to justify the committal of the prisonner for trial, in case the crime had been committed in the territory of the said State, or to prove that the prisoner is the identical person convicted by the Courts of the State which makes the requisition, and that the crime of which he has been convicted is one in respect of which extradition could, at the time of such conviction, have been granted by the State applied to. In Her Britannic Majesty's dominions, the fugitive criminal shall not be surrendered until the expiration of fifteen days from the date of his being committed to prison to await his surrender.

Art. 13. — If the individual claimed by one of the two High Contracting Parties in pursuance of the present Treaty should be also claimed by one or several other powers, on account of other crimes or offences committed upon their respective territories, his extradition shall be granted to that State whose demand is earliest in date.

Art. 14. — If sufficient evidence for the extradition be not produced within two months from the date of the apprehension of the fugitive, or within such further time as the State applied to, or the proper tribunal thereof, shall direct, the fugitive shall be set at liberty.

Art. 15. — All articles seized which were in the possession of the person to be surrendered at the time of his apprehension shall, if the competent authority of the State applied to for the extradition has ordered the delivery thereof, be given up when the extradition takes place; and the said delivery shall extend not merely to the stolen articles, but to everything that may serve as a proof of the crime.

Art. 16. — All expenses connected with extradition shall be borne by the demanding State.

Art. 17. — The stipulations of present Treaty shall be applicable to the colonies and foreign possessions of both of the High Contracting Parties, so far as the laws for the time being in force in such colonies and foreign possessions respectively will allow.

The requisition for the surrender of a fugitive criminal who has taken refuge in any of such colonies or foreign possessions may be made to the

Governor or chief authority of such colony or possession by the chief consular authority of the other State in such colony or possession.

Such requisition may be disposed of, subject always, as nearly as may be, and so far as the law of such colony or foreign possession will allow, to the provisions of this Treaty, by the said Governor or chief authority, who, however shall be at liberty either to grant the surrender, or to refer the matter to his Government.

The High Contracting Parties shall, however, be at liberty to make special arrangements in their respective colonies and foreign possessions for the surrender of criminals who may take refuge therein, on the basis, as nearly as may be, and so far as the law of such colony or foreign possession will allow, of the present Treaty.

Requisition for the surrender of a fugitive criminal emanating from any colony or foreign possession of either of the High Contracting Parties shall be governed by the rules laid down in the preceding articles of the present Treaty.

Art. 18. — The present Treaty shall come into force ten days after its publication, in conformity with the forms prescribed by the laws of the High Contracting Parties. It may be terminated by either of the High Contracting Parties at any time on giving to the other six months' notice of its intention to do so.

The Treaty shall be ratified and the ratifications shall be exchanged at Lisbon as soon as possible.

In witness whereof the respective Plenipotentiaires have signed the seal of their arms.

Done in duplicate at Lisbon, the 17th day of October in the year of Our Lord 1892. (L. S.) *George G. Petre.*
A. Ayres de Gouveia.

49.

ITALIE, PÉROU.

Arrangement destiné à prolonger la convention consulaire du 3 mai 1863; signé à Lima le 8 décembre 1892.

Trattati e Convenzioni fra il Regno d'Italia e gli altri Stati, Vol. XIII, Rome 1895,

Proroga al 31 ottobre 1893 degli effetti degli articoli 14 e 15 della convenzione consolare fra l'Italia ed il Perù del 3 maggio 1863.*)

Il regio incaricato d'affari d'Italia in Lima al ministro delle relazioni estere del Perù.

Signor Ministro, Lima, 8 dicembre 1892.

Ricorderà l'Eccellenza Vostra come nel mese di dicembre dell'anno scorso fra l'onorevole di Lei predecessore e questa regia Legazione si

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*) Vedi a pag. 272 del vol. I della presente Raccolta.

convenisse che la dichiarazione dell'8 maggio 1878 *), relativa agli articoli XIV e XV della cessata convenzione consolare fra l'Italia ed il Perù continuerebbe a restare in vigore sino al 31 dicembre dell'anno in corso, allo scopo di poter condurre a termine le trattative, già da tempo iniziate, per stipulare una nuova convenzione fra i due paesi. Per ragioni che sono perfettamente note all'Eccellenza Vostra non si è potuto sino ad ora giungere a firmare tale atto, e quantunque sia lecito sperare che ciò avverrà quanto prima, non potrà la nuova convenzione entrare in vigore se non dopo di essere approvata, oltrechè dal mio Governo, anche, come l'Eccellenza Vostra mi ha indicato, dal Congresso peruano. Tale considerazione mi autorizza a rivolgermi a Vostra Eccellenza affinchè, tenendo in conto i motivi che ebbi l'onore di esporre nella mia nota del 28 novembre 1891, 606/420, Ella voglia compiacersi di disporre che la proroga convenuta col di Lei predecessore non venga sospesa per l'epoca indicata o, in altri termini, che gli effetti dei due articoli sovradetti siano prorogati sino a che la entrata in vigore della nuova convenzione non sia un fatto compiuto.

Lusingandomi che Vostra Eccellenza, animata dal desiderio di giovare al mantenimento delle buone relazioni fra i due paesi, vorrà accogliere favorevolmente quanto mi onoro di proporre, mi è grato offrirle, signor Ministro, ecc., ecc.

G. M. Lecca.

Il Ministro delle relazioni estere del Perù al Regio Incaricato d'affari d'Italia in Lima.

(Traduzione).

Lima, 13 dicembre 1892.

Signor Incaricato d'affari,

Mi è grato accusare ricevimento della nota di V. S. in data 8 corrente, nella quale, ricordando l'impegno contratto fra il mio predecessore, signor Federico Elmore, e codesta Legazione per la proroga degli articoli vigenti della convenzione consolare fra il Perù e l'Italia, mi richiede che, esistendo tuttora i motivi che diedero luogo a quell'impegno, accetti il mio Governo che detta proroga non venga sospesa per tutto il tempo che occorre affinchè sia conchiusa la nuova convenzione che abbiamo discusso da poco.

Animato il mio Governo dal desiderio che le successioni dei sudditi italiani che muoiono qui, continuino ad essere regolate da norme così prudenti come quelle citate, non ha inconveniente ad aderire alla proroga indicata da V. S., però non nel modo indefinito come desidera V. S., ma bensì fissandone il termine fino al 31 ottobre dell'anno p. v.

Profitto dell'occasione per reiterare a V. S., ecc., ecc.

E. Larrabure y Uuànne.

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*) Vedi a pag. 276 del vol. VI della presente Raccolta.

50.

ITALIE, GRÈCE.

Publication de la loi grecque concernant la protection des marques de fabrique et de commerce du 29 décembre 1892.

Gazzetta Ufficiale, le 2 mai 1893, No. 103.

Ministero di agricoltura, industria e commercio.

Sotto Segretariato di Stato — Divisione I — Sezione II.

Il 1⁰ aprile 1889 è stato firmato a Roma il trattato di commercio e di navigazione fra l'Italia e la Grecia. Questo trattato internazionale, convertito in legge, è stato approvato con regio decreto 16 aprile 1889 n. 6071 (serie 3ª), e pubblicato nella Gazzetta Ufficiale del Regno del 16 maggio 1889, n. 117.

In virtù dell'articolo 10 di esso trattato è stabilita la reciproca protezione concernente la proprietà dei marchi di fabbrica o di commercio:

I sudditi di ciascuna della due Alte Parti contraenti godranno nel territorio dell'altra Parte la stessa protezione dei nazionali per tutto ciò che concerne la proprietà dei marchi di fabbrica o di commercio, dei disegni o modelli industriali o di fabbrica di qualunque specie.

Il diritto esclusivo di far uso (exploiter) di un disegno o modello industriale o di fabbrica non può avere a vantaggio dei Greci in Italia, e reciprocamente a vantaggio degli italiani in Grecia, una durata maggiore di quella fissata dalla legge del paese pei suoi nazionali.

Se il disegno o modello industriale o di fabbrica è di dominio pubblico nel paese d'origine, esso non può formare oggetto di privativa nell'altro paese.

Le disposizioni dei due paragrafi precedenti*) sono egualmente applicabili ai marchi di fabbrica o di commercio.

I Greci non potranno rivendicare nel Regno d'Italia la proprietà esclusiva di un marchio, di un modello o di un disegno, se essi non si sono preventivamente uniformati alle leggi e regolamenti sulla materia, che sono o saranno in vigore in Italia.

Reciprocamente, i sudditi italiani non potranno rivendicare in Grecia

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*) I paragrafi ottavo e nono dicono:

Art. 8. — Gli articoli di oreficeria e di bigiotteria in oro, argento, platino o altri metalli, importati da uno dei due paesi nell'altro saranno soggetti, sene è il caso, al regime di controllo stabilito per gli articoli similiari di fabbricazione nazionale, e pagheranno, sulla base di questi, i diritti di marchio e di garanzia.

Art. 9. — Gli oggetti sottoposti al diritto di dogana che sono importati in Italia come campioni da mercanti, industriali, commessi viaggiatori greci, o in Grecia da mercanti, industriali, commessi viaggiatori italiani, saranno, dall'una e dall'altra parte, ammessi in franchigia temporanea, mediante le necessarie formalità di dogana, per assicurarne la riesportazione o la reintegrazione in magazzino di deposito (entrepôt).

la proprietà esclusiva di un marchio, di un modello o di un disegno, se non si sono preventivamente uniformati alle leggi e ai regolamenti sulla materia, che sono o saranno in vigore in Grecia.

I nostri nazionali potranno ora assicurarsi in Grecia la tutela dei loro diritti ed all'occorrenza esercitarli innanzi ai tribunali del detto Stato, in virtù della nuova legge speciale che il Parlamento Ellenico approvava, per proteggere le marche di fabbrica o di comercio. Siftatta legge colma un'importante lacuna.

Ecco pertanto le disposizioni principali cui deve uniformarsi chi intenda ottenere la trascrizione legale della sua marca di fabbrica in Grecia:

a) produrre un certificato dell'autorità locale, legalizzato dalla competente autorità Consolare Ellenica, constatante che le formalità di legge in vigore sui marchi di fabbrica sono state compiute nel paese ove trovasi lo stabilimento di colui il quale domanda il deposito del suo marchio di fabbrica in Grecia;

b) eleggere domicilio in Atene per atto notarile;

c) dichiarare per iscritto che il depositante si sottomette alla giurisdizione dei tribunali di Atene.

Mi affretto comunicare alla S. V. in allegato alla presente un esemplare della legge sulla protezione dei marchi di fabbrica e di commercio in Grecia approvata dal Parlamento Ellenico, dove i produttori e commercianti italiani potranno rilevare le altre disposizioni che regolano la materia.

Si compiaccia di dare pubblicità alla presente e di accusarmene ricevuta.

Per il Ministro
A. di San Giuliano.

Legge Greca sulla protezione dei marchi di fabbrica e di commercio.

Art. 1. — Ogni segno distintivo dei prodotti dell'industria, dell'agricoltura e della zootecnia, ed in generale degli oggetti di commercio, è considerato come un marchio di fabbrica o di commercio.

Il marchio è applicato tanto sugli oggetti stessi, quanto sui loro involucri; si deve accettare come tale, sotto una forma distintiva, anche il nome dell'industriale o del commerciante o della ditta.

Art. 2. — L'impiego di un marchio è facoltativo, ma nessuno ha diritto alla protezione legale per l'uso esclusivo di un marchio, se esso non ha fatto alla cancelleria del tribunale civile di prima istanza della circoscrizione ove ha il suo principale stabilimento, o in mancanza del principale stabilimento della circoscrizione, ove ha uno stabilimento e il suo domicilio, il deposito di tre esemblari del marchio con una matrice tipografica (cliche).

La protezione legale ha la durata di dieci anni a partire dal giorno del deposito, ma in seguito ad ogni nuovo deposito nelle stesse forme, questo termine è prolungato per un nuovo periodo di dieci anni.

Colui che per primo ha fatto uso pubblico di un determinato marchio, e che non ha mai interrotto quest'uso per più di un anno, ha solo il diritto di farne il deposito.

Per ciascun deposito di un marchio, sarà riscosso un diritto di 60 franchi in oro.

Art. 3. — Per ciascun deposito, sarà redatto un processo verbale sopra apposito registro; il processo verbale sarà numerato e dovrà essere firmato dal depositante o dal suo procuratore, debitamente autorizzato, e dal cancelliere del tribunale.

Il processo verbale deve indicare il giorno e l'ora del deposito ed il genere d'industria o di commercio al quale il marchio è destinato; al processo verbale sarà unita la procura autentica e la ricevuta del cassiere competente constatante il versamento della tassa conformemente all'articolo precedente. Sulla stesso processo verbale verrà apposta una marca da bollo di due franchi.

Ognuno può prendere visione dei processi verbali di deposito e domandarne copia.

Uno degli esemplari del marchio depositato è conservato dal cancelliere del tribunale; il secondo, controfirmato dallo stesso cancelliere, è unito ad una copia su carta libera del processo verbale di deposito e consegnato, seduta stante, al depositante o al suo speciale procuratore; ed il terzo, accompagnato da una copia, egualmente su carta libera, del processo verbale di deposito e della matrice tipografica (cliché), è inviato, a cura del cancelliere del tribunale di prima istanza, entro otto giorni, al direttore della Scuola delle arti iudustriali.

Art. 4. — A cura del direttore della Scuola delle arti industriali, il deposito del marchio è inscritto su registri speciali secondo il genere dell'industria o del commercio; il nome del depositante è inscritto in una rubrica alfabetica, tenuta constantemente al corrente; il marchio è esposto in una sala all'uopo destinata, ed una dichiarazione del deposito con una descrizione sommaria del genere d'industria o del commercio e del marchio è inserita nel giornale ufficiale del Governo col marchio stesso riprodotto colla matrice tipografica (cliché) depositata, entro quindici giorni al massimo a partire dal giorno in cui il direttore della Scuola delle arti industriali ha ricevuto le carte e la matrice tipografica conformemente all'articolo 3.

Art. 5. — La proprietà dei marchi di fabbrica e di commercio non può essere trasmessa che col diritto di esercitare (droit d'exploitation) il genere d'industria od il commercio al quale i marchi sono destinati, conformemente al processo verbale di deposito.

Questa trasmissione non ha effetto riguardo ai terzi che dopo il deposito e la pubblicazione di un estratto dell'atto che la constata nelle forme prescritte dagli articoli 2—4 pel deposito del marchio.

Questa trasmissione è notata simultaneamente a margine del processo verbale di deposito del marchio cui si riferisce, e questa annotazione è fatta in base alle disposizioni dell'art. 3; è sottoposta ad un diritto di 30 franchi in oro, e la ricevuta del cassiere competente è annessa al processo verbale di deposito.

Art. 6. — Sono puniti col carcere di sei mesi al più, e colla multa non oltrepassante le mille dramme*), o con una soltanto di queste pene:

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*) Ogni dramma equivale ad un franco.

a) colui il quale ha contraffatto un marchio, o colui il quale ha fraudolentemente fatto uso d'un marchio contraffatto;

b) colui il quale, fraudolentemente, ha apposto sui prodotti della sua industria o sugli oggetti del suo commercio un marchio appartenente ad altri;

c) colui che, senza aver contraffatto un marchio, ne ha fatta una imitazione tale da ingannare il compratore, od ha fraudolentemente fatto uso d'un tale marchio:

d) colui il quale ha scientemente venduto o messo in vendita o in circolazione una mercanzia contraddistinta da un marchio contraffatto o fraudolentemente imitato.

L'azione publica risultante dai delitti previsti dal presente articolo, non può essere intentata che dopo spirati dieci giorni a partire dalla pubblicazione nel giornale ufficiale del Governo, conformemente all'articolo 4 e per un fatto posteriore allo spirare di questo termine. Tuttavia è permesso al depositante, a partire dal giorno successivo al deposito, conformemente all'articolo 2, di promuovere mediante azione civile, il riconoscimento giuridico del suo diritto sull'uso esclusivo del marchio depositato; in questo caso se i delitti previsti dal presente articolo, sono commessi dal convenuto posteriormente alla notificazione dell'azione civile, possono essere colpiti anche prima della pubblicazione stabilita dall'articolo 4.

Art. 7. — Le pene stabilite dall'articolo precedente possono essere raddoppiate in caso di recidiva, allorchè nei cinque anni anteriori al secondo delitto l'imputato è stato condannato per uno dei delitti previsti dalla presente legge.

Art. 8. — Il tribunale di polizia correzionale ordina l'inserzione per estratto, a spese del condannato, della sentenza di condanna relativa ai marchi, in due giornali della capitale, nel caso in cui il delitto sia stato commesso in Atene; ovvero in un giornale della capitale ed in uno del luogo ove il delitto è stato commesso, o in difetto, nella città la più vicina, nel caso in cui il delitto sia stato commesso in altra località della Grecia.

Art. 9. — Il tribunale di polizia correzionale ordina sempre, anche nei casi di assoluzione, la distruzione dei marchi sequestrati, quando questi sono contraffatti o fraudolentemente imitati; nel caso in cui il marchio non possa essere distrutto senza distruggere l'oggetto sul quale si trova applicato, il tribunale può ordinare anche la distruzione dell'oggetto stesso, in tutto o in parte.

Art. 10. — Oltre alle pene qui sopra comminate, colui il quale si rende colpevole di una infrazione alle disposizioni della presente legge, è tenuto a riparare il danno causato secondo le regole del diritto comune.

Le mercanzie portanti un marchio contraffatto o fraudolentemente imitato, gli utensili ed i materiali che hanno servito esclusivamente alla perpetrazione del delitto, possono essere dal tribunale aggiudicati in natura a profitto della parte lesa, se il condannato ne è proprietario e se la parte lesa ha inoltrato, avanti il tribunale di polizia correzionale, azione per rifazione dei danni, interessi e spese e accetta questi oggetti in com-

penso parziale o totale del danno, in base ad una valutazione sommaria fatta dal tribunale.

Art. 11. — L'azione pubblica non può essere esercitata che sul ricorso della parte lesa.

Art. 12. — Il deposito di un marchio fatto contrariamente alle disposizioni della presente legge è dichiarato nullo, sulla domanda delle parti interessate, dal tribunale il cui cancelliere lo ha eseguito.

Il giudizio definitivo e passato in cosa giudicata, che pronuncia la nullità, è iscritto per estratto, ed a cura del richiedente in margine al processo-verbale rispettivo, nel termine di un mese a decorrere dal giorno in cui è passato in cosa giudicata, sotto pena di una ammenda non minore di venticinque dramme.

Tutte le contestazioni private, risultanti da un'azione derivante dalla presente legge, sono giudicate dai tribunali di prima istanza quali affari commerciali, quando non sieno portate simultaneamente, con azione pubblica, innanzi al tribunale di Polizia correzionale.

Art. 13. — Gli stranieri o i greci che esercitano all'estero un'industria od un commercio godono dei vantaggi della presente legge se nei paesi ove i loro stabilimenti sono situati, esiste una legge che protegge i marchi di fabbrica o di commercio ed una convenzione diplomatica, che stabilisca la reciprocità per i marchi greci. Tuttavia, per godere dei vantaggi di questa protezione in Grecia, oltre al deposito del marchio alla cancelleria del tribunale di prima istanza di Atene conformemente alle disposizioni della presente legge, occorre:

a) Produrre un certificato dell'autorità locale, legalizzato dalla competente autorità Consolare Ellenica, constatante che le formalità di legge in vigore sui marchi di fabbrica sono state compiute nei paesi stranieri ove trovasi lo stabilimento di colui il quale domanda il deposito del suo marchio in Grecia;

b) Eleggere domicilio in Atene per atto notarile;

c) Dichiarare per iscritto che il depositante si sottomette alla giurisdizione dei tribunali d'Atene.

La protezione accordata secondo le precedenti disposizioni, cessa d'esistere in Grecia se il termine accordato dalla legge locale per la protezione del marchio cessasse, o se la convenzione diplomatica di reciprocanza cessasse d'essere in vigore. In nessun caso gli stranieri od i greci, i cui stabilimenti sono situati all'estero, possono avere in Grecia pei loro marchi di fabbrica o di commercio, diritti maggiori di quelli che essi godono nei paesi ove sono situati i loro stabilimenti.

Art. 14. — Un'indennità, pagabile dalla cassa pubblica, è accordata ai cancellieri dei tribunali di prima istanza in ragione di due dramme per processo verbale di deposito di un marchio da essi redatto ed al segretario delle Scuola delle arti industriali, in ragione di due dramme per ciascun marchio inviato alla Scuola dai cancellieri.

Alla fine di ogni trimestre i funzionari sopradetti invieranno le situazioni vistate dai loro superiori gerarchici, al Ministero dell'Interno, che emette i mandati pei loro pagamenti.

Art. 15. — Ogni disposizione contraria alla presente legge è abrogata.

Art. 16. — Una ordinanza reale regolerà più particolareggiatamente il deposito, la pubblicazione e l'esposizione dei marchi, nonchè tutto ciò che si riferisce all'esecuzione della presente legge.

Atene, 29 dicembre 1892.

Il Ministro dell'Interno
G. N. Théotokis.

Il Ministro della Giustizia
A. N. Simopoules.

51.

ITALIE, BULGARIE.

Arrangement concernant la prorogation de la convention commerciale provisoire du 20/22 octobre 1892; signé à Sophie le 29 et 30 décembre 1892.

Trattati e Convenzioni fra il Regno d'Italia e gli altri Stati, Vol. XIII. Rome 1895.

Proroga al 31 dicembre 1893 dell'accordo commerciale provvisorio fra l'Italia e la Bulgaria del 20-22 ottobre 1891*) (Scambio di note).

Il Regio Agente e console generale d'Italia in Sofia
al Ministro degli Affari esteri di Bulgaria.

Sophie, le 29 décembre 1892.

Le soussigné N. Charles Albert de Gerbaix comte de Sonnaz, Agent diplomatique et Consul général d'Italie, dûment autorisé à cet effet, a l'honneur de communiquer à Son Excellence le Ministre des affaires étrangères de Bulgarie, qu'en attendant qu'un arrangement commercial définitif soit conclu, l'arrangement commercial provisoire du 20 octobre 1891 sera prolongé jusqu'au 31 (19) décembre 1893, c'est-à-dire que le Gouvernemeut royal d'Italie prendra les dispositions nécessaires afin que les marchandises bulgares, à l'entrée dans le Royaume, soient, à partir de 13/1 janvier jusqu'au 31/19 décembre 1893, soumis au régime douanier qui s'applique aux provenances des pays jouissant du traitement de la nation la plus favorisée.

En priant Son Excellence de vouloir bien nous confirmer, dans sa réponse, que les ordres nécessaires seront donnés afin que, réciproquement, les marchandises italiennes soient traitées, à l'entrée en Bulgarie, sur le même pied que celles des pays les plus favorisés, même si, par hasard, l'accord anglo-bulgare ne serait pas prorogé à son échéance; en étant reconnaissant à Son Excellence si Elle veut bien prendre acte de cette dernière clause, le soussigné saisit, etc.

A. de Gerbaix de Sonnaz.

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*) Vedi vol XII della presente Raccolta, a pag. 743.

Il Ministro degli affari esteri di Bulgaria
al regio agente e console generale d'Italia in Sofia.

Sophie, le 30 décembre 1891 (n. s.)

Le soussigné D. Grécoff, Ministre des affaires étrangères et des cultes, a l'honneur d'accuser réception de la note en date du 29 décembre n, s., par laquelle monsieur N. Charles Albert de Gerbaix comte de Sonnaz, Agent diplomatique et Consul général d'Italie, a bien voulu l'informer que l'arrangement commercial provisoire intervenu entre la Bulgarie et l'Italie par échange de notes en date du 20 et 22 octobre 1891, et qui expire le 1/13 janvier 1893, est prolongé jusqu'au 19/31 décembre 1893, ce dernier jour inclus, et qu'en vertu de cet arrangement les marchandises bulgares, à leur entrée dans le Royaume, seront soumises durant cette période au régime douanier appliqué aux provenances des pays qui jouissent du traitement de la nation la plus favorisée.

En prenant acte de cette communication, le soussigné s'empresse de porter à la connaissance de M. l'Agent diplomatique et Consul général d'Italie que, réciproquement et durant la même période, à savoir du 1/13 janvier au 19/31 décembre 1893, les marchandises italiennes seront, à leur entrée en Bulgarie, traitées sur le même pied que les provenances des pays les plus favorisés, notamment celles du Royaume-Uni, en vertu de l'arrangement anglo-bulgare, qui a été prorogé pour une année encore, c'est-à-dire jusqu'au 31 décembre n. s. 1893.

Le soussigné saisit, etc.

D. Grécoff.

52.

SUEDE, ETATS-UNIS D'AMERIQUE.

Traité d'extradition signé à Washington le 14 janv. 1893.*)

Svensk Författnings-Samling 1893, No. 21.

His Majesty the King of Sweden and Norway and the United States of America, being desirous to confirm their friendly relations and to promote the cause of justice, have resolved to conclude a new treaty for the extradition of fugitives from justice between the Kingdom of Sweden and the United States of America, and have appointed for that purpose the following Plenipotentiaries:

His Majesty the King of Sweden and Norway,

J. A. W. Grip, His Majesty's Envoy Extraordinary and Minister Plenipotentiary to the United States; and

The President of the United States of America,

John W. Foster, Secretary of State of the United States;

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*) Les ratifications ont été échangées à Washington le 18 mars 1893.

Who, after having communicated to each other their respective full powers, found in good and due form, have agreed upon and concluded the following articles.

Art. 1. — The Government of Sweden and the Government of the United States mutually agree to deliver up persons who, having been charged with or convicted ot any of the crimes and offenses specified in the following article, committed within the jurisdiction of one of the contracting parties shall seek an asylum or be found within the territories of the other: Provided that this shall only be done upon such evidence of criminality as, according to the laws of the place where the fugitive or person so charged shall be found, would justify his or her apprehension and commitment for trial, if the crime or offence had been there committed.

Art. 2. — Extradition shall be granted for the following crimes and offenses:

1) Murder, comprehending assassination, parricide, infanticide and poisoning; attempt to commit murder; the killing of a human being, when such act is punishable in Sweden as manslaughter, and in the United States as voluntary manslaughter.

2) Arson.

3) Robbery, defined to be the act of feloniously and forcibly taking from the person of another money or goods, by violence or putting him in fear: burglary; also house-breaking or shop-breaking.

4) Forgery, or the utterance of forged papers; the forgery or falsification of official acts of government, of public authorities, or of courts of justice, or the utterance of the thing forged or falsified.

5) The counterfeiting, falsifying or altering of money, whether coin or paper, or of instruments of debt created by national, state, provincial or municipal governments, or of coupons thereof, or of bank-notes, or the utterance or circulation of the same; or the counterfeiting, falsifying or altering of seals of state.

6) Embezzlement by public officers; embezzlement by persons hired or salaried, to the detriment of their employers; larceny; obtaining money valuable securities or other property by false pretenses, or receiving money, valuable securities or other property knowing the same to have been embezzled, stolen or fraudulently obtained, when such act is made criminal by the laws of both countries and the amount of money or the value of the property fraudulently obtained or received is not less than £ 200 or kronor 740.

7) Fraud or breach of turst by a bailee, banker, agent, factor, trustee or other person acting in a fiduciary capacity, or director or member or officer of any company, when such act is made criminal by the laws of both countries and the amount of money or the value of the property misappropriated is not less than 200 £ or kronor 740.

8) Perjury; subornation of perjury.

9) Rape; abduction; kidnapping.

10) Wilful and unlawful destruction or obstruction of railroads which endangers human life.

11) Crimes committed at sea:

a) Piracy, by statute or by the law of nations;

b) Revolt, or conspiracy to revolt, by two or more persons on board a ship on the high seas, against the authority of the master;

c) Wrongfully sinking or destroying a vessel at sea, or attempting to do so;

d) Assaults on board a ship en the high seas with intent to do grievous bodily harm.

12) Crimes and offenses against the laws of both countries for the suppression of slavery and slave trading.

Extradition is also to take place for participation in any of the crimes and offenses mentioned in this treaty, provided such participation may be punished in Sweden by imprisonment at hard labor and in the United States as a felony.

Art. 3. — Requisitions for the surrender of fugitives from justice shall be made by the diplomatic agents of the contracting parties, or in the absence of these from the country or its seat of government, may be made by the superior consular officers.

If the person whose extradition is requested shall have been convicted of a crime or offense a duly authenticated copy of the sentence of the court in which he was convicted, or if the fugitive is merely charged with crime, a duly authenticated copy of the warrant of arrest in the country where the crime has been committed, and of the depositions or other evidence upon which such warrant was issued, shall be produced.

The extradition of fugitives uuder the provisions of this treaty shall be carried out in Sweden and the United States, respectively, in conformity with the laws regulating extradition for the time being in force in the state on which the demand for surrender is made.

Art. 4. — Where the arrest and detention of a fugitive are desired on telegraphic or other information in advance of the presentation of formal proofs, the proper course in the United States shall be to apply to the judge or other magistrate authorized to issue warrants of arrest in extradition cases and present a complaint on oath, as provided by the statutes of the United States.

In the Kingdom of Sweden the proper course shall be to apply to the Foreign Office, which will immediately cause the necessary steps to be taken in order to secure the provisional arrest and detention of the fugitive.

The provisional detention of a fugitive shall cease and the prisoner be released, if a formal requisition for his surrender, accompanied by the necessary evidence of his criminality, has not been produced under the stipulations of this treaty, within two months from the date of his provisional arrest or detention.

Art. 5. — Neither of the contracting parties shall be bound to deliver up its own citizens or subjects under the stipulations of this treaty.

Art. 6. — A fugitive criminal shall not be surrendered if the offense in respect of which his surrender is demanded be of a political character,

or if he proves that the requisition for his surrender has, in fact, been made with a view to try or punish him for an offense of a political character.

No person surrendered by either of the high contracting parties to the other shall be triable or tried or be punished for any political crime or offense, or for any act connected therewith, committed previously to his extradition.

If any question shall arise as to whether a case comes within the provisions of this article, the decision of the authorities of the government on which the demand for surrender is made, or which may have granted the extradition shall be final.

Art. 7. — Extradition shall not be granted, in pursuance of the provisions of this treaty, if legal proceedings or the enforcement of the penalty for the act committed by the person claimed has become barred by limitation, according to the laws of the country to which the requisition is addressed.

Art. 8. — No person surrendered by either of the high contracting parties to the other shall, without his consent, freely granted and publicly declared by him, be triable or tried or be punished for any crime or offense committed prior to his extradition, other than that for which he was delivered up, until he shall have had an opportunity of returning to the country from which he was surrendered.

Art. 9. — All articles seized which are in the possession of the person to be surrendered at the time of his apprehension, whether being the proceeds of the crime or offense charged, or being material as evidence in making proof of the crime or offense, shall, so far as practicable and in conformity with the laws of the respective countries, be given up when the extradition takes place. Nevertheles, the rights of third parties with regard to such articles shall be duly respected.

Art. 10. — If the individual claimed by one of the high contracting parties, in pursuance of the present treaty, shall also be claimed by one or several other powers on account of crimes or offenses committed within their respective jurisdictions, his extradition shall be granted to the state whose demand is first received: Provided, that the government from which extradition is sought is not bound by treaty to give preference otherwise.

Art. 11. — The expenses incurred in the arrest, detention, examination and delivery of fugitives under this treaty shall be borne by the state in whose name the extradition is sought: Provided, that the demanding government shall not be compelled to bear any expense for the services of such public officers of the government from which extradition is sought as receive a fixed salary; and, Provided, that the charge for the services of such public officers as receive only fees or perquisites shall not exceed their customary fees for the acts or services performed by them, had such acts or services been performed in ordinary criminal proceedings under the laws of the country of which they are officers.

Art. 12. — The present treaty shall take effect on the thirtieth day after the date of the exchange of ratifications, and shall not operate

retroactively. On the day on which it takes effect the convention of March 21, 1860, shall, as between the Governments of Sweden and of the United States, cease to be in force except as to crimes therein enumerated and committed prior to that day.

The ratifications of the present treaty shall be exchanged at Washington as soon as possible, and it shall remain in force for a period of six months after either of the contracting Governments shall have given notice of a purpose to terminate it.

In witness whereof the respective Plenipotentiaries have signed the above articles, and have hereunto affixed their seals.

Done in duplicate, at the city of Washington this fourteenth day of January one thousand eight hundred and ninety-three,

J. A. W. Grip (L. S.)
John W. Foster (L. S.)

53.

ITALIE, SUISSE.

Notes échangées sur la question de la reciprocité en matière d'extradition; du 6 juin 1892/16 janvier 1893.

Trattati e Convenzioni fra il Regno d'Italia e gli altri Stati, Vol. XIII, Rome 1895.

Scambio di note relativo alla reciprocità nelle estradizioni fra l'Italia e la Svizzera.

Il ministro di Svizzera in Roma al regio ministro degli affari esteri d'Italia.

Rome, ce 6 juin 1892.

Monsieur le Ministre,

En 1875 un certain Andrea Campana de Rovato (Brescia) poursuivi par les autorités royales pour viol et crime contre nature, et qui s'était enfui en Suisse, fut extradé par suite de la demande du Gouvernement royal.

Le traité d'extradition entre la Suisse et l'Italie du 22 juillet 1868 ne mentionnant pas les crimes contre nature, les Gouvernements des deux pays s'engagèrent à observer la réciprocité dans ces cas.

La loi fédérale du 22 janvier 1892*) sur l'extradition aux Etats étrangers, dont j'ai l'honneur de faire parvenir à Votre Excellence quatre exemplaires, contient les conditions dans lesquelles les extraditions pourront en futur être accordées. Les délits qui pourront donner lieu à une extradition sont énumérés dans l'art. 3 de cette loi. Les crimes contre nature ne se trouvant pas compris dans cette énumération le Haute Conseil fédéral me charge de communiquer à Votre Excellence qu'il se voit obligé de retirer la promesse de réciprocité donnée pour ces cas.

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*) V. **N. R. G.** 2e S. XVIII, 851.

En même temps, le Conseil fédéral me charge d'ajouter que la promesse de réciprocité donnée pour des cas concernant un délit d'inceste pourra rester en vigueur, vu que ce délit est expressément cité dans le même art. 3, n. 17.

En joignant à la présente quatre exemplaires de la loi susmentionnée, je saisis cette occasion, etc.

Bavier.

Il Regio ministro degli affari esteri d'Italia al ministro di Svizzera in Roma.

Rome, ce 16 janvier 1893.

Monsieur le Ministre,

Par votre note en date du 6 juin dernier Vous avez bien voulu m'informer que les crimes contre nature n'étant pas compris dans l'énumération, faite par la loi fédérale du 22 janvier 1892, des crimes pour lesquels l'extradition peut être accordée, le Gouvernement suisse se voyait obligé de revenir sur la promesse dè réciprocité, donnée, pour ces cas, en 1875, en vue d'un accord complémentaire du traité d'extradition du 22 juillet 1868.

J'ai l'honneur de Vous donner acte, au nom du Gouvernement du Roi, de cette communication, ainsi que de la déclaration, contenue dans la même note, qui concerne le délit d'inceste; quant auquel je dois, toutefois, remarquer que le code pénal italien ne le punit (art. 337) que dans le cas où il porte atteinte à la moralité publique.

Je saisis l'occasion pour Vous renouveler, etc.

Brin.

54.

ÉTATS-UNIS D'AMÉRIQUE, CHILI.

Arrangement ayant pour but de mettre fin par voie d'arbitrage à toutes les réclamations mutuelles; signé à Washington le 7 août 1892.*)

Treaties and Conventions 1894.

The United States of America and the Republic of Chile, animated by the desire to settle and adjust amicably the claims made by the citizens of either country against the government of the other, growing out of acts committed by the civil or military authorities of either country, have agreed to make arrangements for that purpose, by means of a Convention, and have named as their Plenipotentiaries to confer and agree thereupon as follows:

The President of the United States of America, Patrick Egan, Envoy Extraordinary and Minister Plenipotentiary of the United States at

*) L'échange des ratifications a eu lieu le 26 janvier 1893.

Santiago, and the President of the Republic of Chile, Isidoro Errázuriz, Minister of Foreign Relations of Chile;

Who, after having communicated to each other their respective full powers, found in good and true form, have agreed upon the following articles:—

Art. 1. — All claims on the part of corporations, companies or private individuals, citizens of the United States, upon the Government of Chile, arising out of acts committed against the persons or property of citizens of the United States not in the service of the enemies of Chile, or voluntarily giving aid and comfort to the same, by the civil or military authorities of Chile; and on the other hand all claims on the part of corporations, companies or private individuals, citizens of Chile, upon the Government of the United States, arising out of acts committed against the persons or property of citizens of Chile, not in the service of the enemies of the United States, or voluntarily giving aid and comfort to the same, by the civil or military authorities of the Government of the United States, shall be referred to three Commissioners, one of whom shall be named by the President of the United States, and one by the President of the Republic of Chile, and the third to be selected by mutual accord between the President of the United States and the President of Chile. In case the President of the United States and the President of Chile shall not agree within three months from the exchange of the ratifications of this Convention to nominate such third Commissioner then said nomination of said third Commissioner shall be made by the President of the Swiss Confederation.

Art. 2. — The said Commission, thus constituted, shall be competent and obliged to examine and decide upon all claims of the aforesaid character presented to them by the citizens of either country.

Art. 3. — In case of the death, prolonged absence or incapacity to serve of one of the said Commissioners, or in the event of one Commissioner omitting, or declining, or ceasing to act as such, then the President of the United States, or the President of the Republic of Chile, or the President of the Swiss Confederation, as the case may be, shall forthwith proceed to fill the vacancy so occasioned by naming another Commissioner within three months from the occurrence of the vacancy.

Art. 4. — The Commissioners named as hereinbefore provided shall meet in the City of Washington at the earliest convenient time within six months after the exchange of ratifications of this Convention, and shall, as their first act in so meeting, make and subscribe a solemn declaration that they will impartially and carefully examine and decide, to the best of their judgment and according to public law, justice and equity, without fear, favor or affection, all claims within the description and true meaning of Articles I and II., which shall be laid before them on the part of the Governments of the United States and of Chile respectively; and such declaration shall be entered on the record of their proceedings; Provided, however, that the concurring judgment of any two Commissioners shall be adequate for every intermediate decision arising in the execution of their duty and for every final award.

Art. 5. — The Commissioners shall, without delay, after the organi-

zation of the Commission, proceed to examine and determine the claims specified in the preceding articles, and notice shall be given to the respective Governments of the day of their organization and readiness to proceed to the transaction of the business of the Commission. They shall investigate and decide said claims in such order and in such manner as they may think proper, but upon such evidence or information only as shall be furnished by or on behalf of the respective Governments. They shall be bound to receive and consider all written documents or statements which may be presented to them by or on behalf of the respective Governments in support of, or in answer to, any claim, and to hear, if required, one person on each side whom it shall be competent for each Government to name as its Counsel or Agent to present and support claims on its behalf, on each and every separate claim. Each Government shall furnish at the request of the Commissioners, or of any two of them, the papers in its possession which may be important to the just determination of any of the claims laid before the Commission.

Art. 6. — The concurring decisions of the Commissioners, or of any two of them, shall be conclusive and final. Said decisions shall in every case be given upon each individual claim, in writing, stating in the event of a pecuniary award being made, the amount or equivalent value of the same in gold coin of the United States; and in the event of interest being allowed on such award, the rate thereof and the period for which it is to be computed shall be fixed, which period shall not extend beyond the close of the Commission; and said decision shall be signed by the Commissioners concurring therein.

Art. 7. — The High Contracting Parties hereby engage to consider the decision of the Commissioners, or of any two of them, as absolutely final and conclusive upon each claim decided upon by them, and to give full effect to such decisions without any objections, evasions, or delay whatever.

Art. 8. — Every claim shall be presented to the Commissioners within a period of two months reckoned from the day of their first meeting for business, after notice to the respective Governments as prescribed in Article V of this Convention. Nevertheless, where reasons for delay shall be established to the satisfaction of the Commissioners, or of any two of them, the period for presenting the claim may be extended by them to any time not exceeding two months longer.

The Commissioners shall be bound to examine and decide upon every claim within six months from the day of their first meeting for business as aforesaid; which period shall not be extended except only in case of the proceedings of the Commission shall be interrupted by the death, incapacity, retirement or cessation of the functions of any one of the Commissioners, in which event the period of six months herein prescribed shall not be held to include the time during which such interruption may actually exist.

It shall be competent in each case for the said Commissioners to decide whether any claim has, or has not, been duly made, preferred, and

laid before them, either wholly, or to any and what extent, according to the true intent and meaning of this Convention.

Art. 9. — All sums of money which may be awarded by the Commissioners as aforesaid, shall be paid by the one Government to the other, as the case may be, at the capital of the Government to receive such payment, within six months after the date of the final award, without interest, and without any deduction save as specified in Article X.

Art. 10. — The Commissioners shall keep an accurate record and correct minutes or notes of all their proceedings, with the dates thereof; and the Governments of the United States and of Chile may each appoint and employ a Secretary versed in the languages of both countries, and the Commissioners may appoint any other necessary officer or officers to assist them in the transaction of the business which may come before them.

Each Government shall pay its own Commissioner, Secretary and Agent or Counsel, and at the same or equivalent rates of compensation, as near as may be, for like officers on the one side as on the other. All other expenses, including the compensation of the third Commissioner, which latter shall be equal or equivalent to that of the other Commissioners shall be defrayed by the two Governments in equal moieties.

The whole expenses of the Commission, including contingent expenses, shall be defrayed by a ratable deduction on the amount of the sums awarded by the Commissioners, provided always that such deduction shall not exceed the rate of five per centum on the sum so awarded. If the whole expenses shall exceed this rate, then the excess of expense shall be defrayed jointly by the two Governments in equal moieties.

Art. 11. — The High Contracting Parties agree to consider the result of the proceedings of the Commission provided for by this Convention as a full, perfect and final settlement of any and every claim upon either Government within the description and true meaning of Articles I and II: and that every such claim, whether or not the same may have been presented to the notice of, made, preferred or laid before the said Commission, shall, from and after the conclusion of the proceedings of the said Commission, be treated and considered as finally settled, concluded and barred.

Art. 12. — The present Convention shall be ratified by the President of the United States, by and with the advice and consent of the Senate thereof and by the President of the Republic of Chile, with the consent and approbation of the Congress of the same, and the ratifications shall be exchanged at Washington, at as early a day as may be possible within six months from the date hereof.

In testimony whereof the respective Plenipotentiaries have signed the present Convention, in the English and Spanish languages, in duplicate, and hereunto affixed their respective seals.

Done at the city of Santiago the seventh day of August, in the year of our Lord one thousand eight hundred and ninety-two.

[Seal.] *Isidoro Errázuriz.*
[Seal.] *Patrick Egan.*

55.

ALLEMAGNE, ARGENTINE, AUTRICHE-HONGRIE, BADE, BAVIÈRE, BELGIQUE, BRÉSIL, BULGARIE, CHILI, COLOMBIE, DANEMARK, ÉQUATEUR, ESPAGNE, ÉTATS-UNIS D'AMÉRIQUE, FRANCE, GRÈCE, GUATÉMALA, HAWAII, HAITI, JAPON, ITALIE, MEXIQUE, PAYS-BAS, PÉROU, PORTUGAL, ROUMANIE, RUSSIE, SAXE, SAXE-COBURG-GOTHA, SERBIE, SUÈDE ET NORVÈGE, SUISSE, URUGUAY.

Correspondances et Rapports de représentants anglais sur les dispositions légales concernant les revisions et modifications des Constitutions et lois fondamentales des pays de leur résidence; du 14 février 1893 au 6 juillet 1893.

Parliamentary paper presented to the House of Lords by Command of Her Majesty, April 1893 [C.—6970], Septembre 1893 [C.—7159].

Reports from Her Majesty's Diplomatic Representatives abroad on the subject of the Majorities (Numerical or Proportional) required in the Legislatures of Foreign States for any Changes in their Constitutions.

Circular addressed to Her Majesty's Representatives abroad.

My Lord,

Sir, Foreign Office, February 14, 1893.

In conformity with an Address of the House of Commons, I have to instruct your Excellency to furnish me with a Return, for presentation to Parliament, showing the majorities, numerical or proportional, required in the elective and other branches of the Legislature for any changes in the Constitution of the State in which you reside.

I am, &c.
(Signed) *Rosebery.*

Replies to Circular.

Austria-Hungary.

No. 1.

Sir A. Paget to the Earl of Rosebery.—(Received February 23.)

My Lord, Vienna, February 20, 1893.

With reference to your Lordship's Circular despatch of the 14th instant, I have the honour to state that, by an Act of the Austrian Reichsrath, dated the 2nd April, 1873, it is prescribed that changes in the

Fundamental Laws of the State affecting the Legislature and the general rights of the subject, as also the judicial authority, and the exercise of administrative and executive authority, require the assent of a Parliamentary majority consisting of at least two-thirds of those present, who must be to the number of forty in the Upper, and form a minimum of one-half of the Members in the Lower House (*i.e.*, $\frac{3}{2}\frac{5}{}\frac{3}{}$, or 177).

I have, &c.
(Signed) *A. Paget.*

No. 2.

Mr. Milbanke to Sir A. Paget.—(Received at the Foreign Office, March 3.)

Sir, Buda Pesth, February 27, 1893.

With reference to the Earl of Rosebery's Circular despatch of the 14th instant, I have the honour to inform your Excellency that neither the Laws of Hungary nor the Rules of the two Houses of Parliament contain any provision for special majorities in the case of changes being introduced in the Constitution of the country.

Such Bills are treated in a similar manner to all other Bills, viz., they are accepted or rejected by a simple majority of those present.

I have, &c.
(Signed) *Ralph Milbanke.*

Baden and Hesse.

No. 3.

Mr. Buchanan to the Earl of Rosebery.—(Received March 3.)

My Lord, Darmstadt, February 28, 1893.

In accordance with the instructions conveyed to me in your Lordship's Circular despatch of the 14th instant, I have the honour to forward the accompanying Returns, showing the majorities required in the Legislature of the Grand Duchy of Baden and of the Grand Duchy of Hesse for any changes in the Constitution of those States.

I have, &c.
(Signed) *George W. Buchanan.*

Inclosure 1 in No. 3.

Return of the Majority required in the Legislature of the Grand Duchy of Baden for a Revision of the Constitution.

No proposal for the revision of the Constitution can be brought before either House of the Legislature unless there are at least three-fourths of its Members present, and no Constitutional revision can be carried without the consent of a majority of the Members taking part in the division in each of the two Houses.

Thus in the Second Chamber, which is composed of sixty-five Members, the presence of at least forty-eight Members is required for the discussion of a question of Constitutional revision, and the consent of at least thirty-

two Members is necessary before the proposed change in the Constitution can be adopted.

The number of the Members of the First Chamber varies between thirty and forty.

Inclosure 2 in No. 3.

Return of the Majority required in the Legislature of the Grand Duchy of Hesse for a Revision of the Constitution.

The assent of both Houses of the Legislature in necessary for any revision of the Constitution.

In the Second Chamber, whish is composed of fifty Members, there must be at least 26 votes recorded in favour of any such change, and in the First Chamber, of which the numbers vary from thirty to thirty-six, the assent of at least twelve Members is required.

When, however, the number of those taking part in the division in either Chamber is so large that a majority of two-thirds of them would be more than the figures above given, then the majority required is fixed at two-thirds of the votes actually recorded.

Bavaria.

No. 4.

Mr. Drummond to the Earl of Rosebery.—(Received March 17.)

My Lord, Munich, March 15, 1893.

With reference to your Lordship's Circular despatch of the 10th instant instructing me to favour your Lordship with a Return for presentation to Parliament showing the majorities, numerical or proportional, required in the elective and other branches of the Legislature for any changes in the Constitution of the Kingdoms of Bavaria and Würtemburg, I have the honour to inform your Lordship that I applied directly to the Bavarian and Würtemberg Foreign Offices for the information in question, and I now have the honour to transmit herewith translations of the replies which I have received, giving the information requested.

I have, &c.
(Signed) *Victor Drummond.*

Inclosure 1 in No. 4.

Baron Mittnacht to Mr. Drummond.

(Translation.) Ministry for Foreign Affairs, Stuttgardt,
Sir, March 1, 1893.

I have the honour, in reply to your valued communication of the 23rd ultimo, to inform you courteously, with regard to the necessary majority in the Würtemberg Legislative Bodies for altering the Würtemberg Constitution, that paragraph 176 of the Würtemberg Constitutional Charter contains the following provision:—

"Decisions (or votes) in both Chambers are made by the majority, which, according to the nature of the proposal, may be absolute or relative, and in case of equality of votes the vote of the President decides. When, however, there is a question of changing any point in the Constitution itself, the assent of two-thirds of the Members present in both Chambers."

According to paragraph 160, section 1, of the Constitutional Charter, the quorum of the First Chamber is fully formed by the presence in the First Chamber of half its Members, and in the Second Chamber of two-thirds of its Members.

According to paragraph 15 of the Constitutional Charter, every change made in any point of the Constitution during a Regency is only valid for the duration of such Regency.

I avail, &c.
(For Baron Mittnacht),
(Signed) *V. König.*

Inclosure 2 in No. 4.

Baron von Crailsheim to Mr. Drummond.

The Undersigned has the honour to communicate the following information respecting the Parliamentary forms used in affecting changes in the Constitution, as desired in Mr. Drummond's note of the 23rd February last.

For legal acceptance (or Parliamentary decision) in either Chamber, the Chamber of the Reichsrath and the popularly elected Chamber of Deputies, as a rule the presence of the majority of those Members is necessary, who compose the whole Chamber according to the Constitution.

Thus, in the Chamber of the Reichsrath, those Members are counted as the whole Chamber for the purpose of voting, who have been legitimated, but not those who have not yet acquired the right to vote, or are not yet legitimated, nor those who may have been excluded for the duration of a Session of Parliament. And in the Chamber of Deputies the vacant seats are not counted, but Members who are absent by leave of the Chamber are counted.

The Parliamentary voting is effected by an absolute majority of all Members having the right to vote.

As opposed to this regular form of Parliamentary voting in both Chambers, there are additional and more stringent conditions attached to the voting of any change in the Constitution, the Constitutional Law, or any other Law affecting the Constitution, as well as any addition to be made to any of them.

For debating and voting any such proposals, the presence in both Chambers of three-fourths of the total number of those Members having the Constitutional right to vote is necessary, and a two-thirds majority of all those entitled to vote is necessary for a legal acceptance by each Chamber.

Whenever a proposal for altering the Constitution or a Constitutional Law is made on the initiative of the Chamber itself, it must, within intervals of eight days between each reading, be subjected to three readings

and voting in each Chamber, and at each voting the above proportion of Members for a majority holds good.

The Undersigned, in offering the above information for the acceptance of Her Majesty's Government, avails himself, &c.

(Signed) *Baron von Crailsheim.*

Ministry for Foreign Affairs, Munich,
March 13, 1893.

Belgium.

No. 5.

Sir E. Monson to the Earl of Rosebery.—(Received February 27.)

My Lord, Brussels, February 23, 1893.

On the receipt of your Lordship's Circular despatch of the 14th instant, I asked Baron Lambermont whether there was in this country any other legislation concerning the amendment of the Constitution than that provided by the Constitution itself.

The Baron said that he thought as I did, that is was probable that there was not; but that as he could not on the spur of the moment give me a positive answer, he would like me to put the question officially to the Minister of Foreign Affairs.

In answer to the query which I consequently addressed to his Excellency, I received yesterday evening the confirmation of my supposition, in a note of which I have the honour to inclose a copy herewith.

I have, &c.

(Signed) *Edmund Monson.*

Inclosure in No. 5.

Count de Westerloo to Sir E. Monson.

M. le Ministre, Bruxelles, le 23 Février, 1893.

Comme suite à la lettre que votre Excellence a bien voulu me faire parvenir sous la date du 16 de ce mois, j'ai l'honneur de lui faire conaître qu'il n'existe pas, concernant la revision de la Constitution Belge, d'autre disposition légale que l'Article 131 de cette même Constitution, dont voici le texte:—

"Article 131. Le Pouvoir Législatif a le droit de déclarer qu'il y a lieu à la revision de telle disposition Constitutionelle qu'il désigne.

"Après cette déclaration les deux Chambres sont dissoutes de plein droit.

"Il en sera convoqué deux nouvelles conformément à l'Article 71.

"Ces Chambres statuent de commun accord avec le Roi, sur les points soumis à la revision.

"Dans ce cas, les Chambres ne pourront délibérer si deux tiers au moins des Membres, qui composent chacune d'elles ne sont présents et nul changement ne sera adopté, s'il ne réunit au moins les deux tiers des suffrages."

Je saisis, &c.

(Signed) *Merode Westerloo.*

Brazil.

Mr. Greville to the Earl of Rosebery.—(Received April 6.)

My Lord, Rio de Janeiro, March 17, 1893.

In reply to your Lordship's Circular despatch of the 14th ultimo, I have the honour to state that Article 85 of the Constitution of the United States of Brazil of the 22nd June, 1890, runs as follows:—

"Articles 85. The Constitution may be amended, at the initiative of the National Congress or of the Legislatures of the States.

"§ 1. An amendment shall be considered as proposed, when, having been presented by one-fourth, at least, of the Members of either House of the Congress, it shall have been accepted, in three readings by two-thirds of the votes in both Houses of the Congress, or when it shall have been asked for by two-thirds of the States, represented each one, by a majority of the votes of their Legislatures, the said votes to be taken in the course of one year.

"§ 2. The proposed amendment shall be considered approved, if, in the following year, after three readings, it shall have been adopted by a majority of three-fourths of the votes in the two Houses of the Congress.

"§ 3. The amendment adopted shall be published, with the signatures of the Presidents and Clerks of the two Chambers, and be incorporated into the Constitution as a part of the same.

"§ 4. No project having a tendency to abolish the federative Republican form or the equal representation of the States in the Senate shall be admitted for consideration in the Congress."

I have, &c.

(Signed) *George Greville.*

Bulgaria.

No. 7.

Mr. Dering to the Earl of Rosebery.—(Received February 24.)

My Lord, Sophia, February, 20, 1893.

In conformity with the instructions conveyed to me in your Lordship's Circular despatch of the 14th instant, I have the honour to forward herewith copy and translation of Articles 167, 168, and 169 of the Bulgarian Constitution, relating to any revision or modification thereof, from which your Lordship will see that a majority of two-thirds of the Sobranje is requisite for the modification or revision of any portion of the Constitution, which decision must be again confirmed by a majority exceeding two-thirds of the Grand Sobranje specially convoked for the purpose.

I have, &c.

(Signed) *Henry Neville Dering.*

Inclosure in No. 7.

Extract from Bulgarian Constitution of 1879.

Chapitre XXII.—Du mode de Revision et de Modification de la Constitution.

167. Les propositions de modification ou de revision de la Constitution se font d'après le mode établi pour la confection des Lois (Articles 108, 109):—

"Article 108. L'initiative de Projets de Loi appartient au Prince et à l'Assemblée Nationale.

Article 109. Les Projets de Loi et des propositions sont présentés à l'Assemblée Nationale par les Ministres respectifs sur un ordre du Prince.

"Tout représentant de l'Assemblée Nationale peut également y présenter des Projets de Loi ou des propositions, s'il est soutenu par le quart des Membres présents."

168. Les propositions dont il est question dans l'Article précédent doivent, pour être adoptées, réunir la majorité de plus de deux tiers des voix de tous les Membres présents de l'Assemblée Nationale.

169. Pour l'examen des propositions mentionnées dans l'Article 167, la Grande Assemblée Nationale est convoquée, et elle décide à la majorité de deux tiers de ses Membres présents les questions qui concernent les modifications ou la revision de la Constitution.

Denmark.

No. 8.

Mr. Scott to the Earl of Rosebery.—(Received February 24.)

My Lord, Copenhagen, February 20, 1893.

The following are translations of the Sections contained in the Revised Constitutional Law of 1849 having reference to the inquiry contained in your Lordship's Circular despatch of the 14th instant respecting the majority, numerical or proportional, required in the elective and other branches of the Legislature to effect any change in the Constitution of Denmark:—

"§ 61. Neither Chamber can pass any Resolution unless more than half its Members are present and take part in the vote.

"§ 95. Proposals for changes or amendments to the present Constitution can be presented during ordinary or extraordinary Sessions of the Rigsdag.

"If a Bill relative to a change in the Fundamental Law is adopted by both Chambers, and the Government wishes it to pass into law the Rigsdag shall be dissolved, and a General Election shall take place for the Folkething and Landsthing. If the Bill is again passed without alteration by the newly elected Rigsdag, either in ordinary or extraordinary Session, and it receives the King's sanction, it becomes law."

I have, &c.

(Signed) *Charles S. Scott.*

France.

No. 9.

The Marquis of Dufferin to the Earl of Rosebery.—(Received March 15.)

My Lord, Paris, March 14, 1893.

In reply to your Circular despatch of the 14th ultimo, I have the honour to transmit to your Lordship herewith a Memorandum with regard to the manner in wich changes in the Constitution of the French Republic can alone be effected.

I have, &c.,

(Signed) *Dufferin and Ava.*

Inclosure in No. 9.

Memorandum.

The present French Constitution is embodied in what are known as the Constitutional Laws of the 24th and 25th February, and 16th July, 1875, which regulate the organization of the Senate, the organization of the public powers, and the relations between the public powers.

By Article 8 of the Law of the 25th February, relative to the organization of the public powers, either the Senate or the Chamber of Deputies has the right, after separate decisions arrived at in each House by the absolute majority of votes, either spontaneously or at the request of the President of the Republic, to declare that the Constitutional Laws require revision.

After the Senate and the Chamber of Deputies have each adopted the Resolution, they unite in a National Assembly to proceed to the revision.

The decisions bearing on the revision of the Constitutional Laws, whether in whole or in part, must be taken by the absolute majority of the Members composing the National Assembly.

The Republican form of Government cannot be made the subject of any proposal for revision.

Germany.

No. 10.

Sir E. Malet to the Earl of Rosebery.—(Received February 27.)

My Lord, Berlin, February 24, 1893.

In compliance with the request contained in your Lordship's Circular despatch of the 14th instant, I have the honour to inclose herewith a Memorandum which has been prepared by Mr. C. Thornton, upon information supplied by Dr. Weber, Legal Adviser to Her Majesty's Embassy, in regard to the majorities required in the Imperial German and Prussian State Legislatures respectively for the introduction of Constitutional changes.

I have, &c.

(Signed) *Edward B. Malet.*

Inclosure in No. 10.

Regulations concerning the Introduction of Changes in the Constitutions of the German Empire and the Kingdom of Prussia respectively.

1. German Empire.

Article 78 of the Constitution of the German Empire of the 16th April, 1871, runs as follows:—

"Changes in the Constitution may be effected by way of legislation. They are regarded as rejected when 14 votes are opposed thereto in the Federal Council."

Such special legislation follows the ordinary course pursued in the case of all Imperial laws, that is, according to Article 5 of the Constitution,

it is dependent upon the concurrence of Resolutions adopted by majorities in the Federal Council (Representation of the Federal States) and the Reichstag (Representation of the People).

Any Resolution is passed in the Reichstag (Article 28) by an absolute majority of votes, the presence of a majority of the statutory number of Members being in the first instance requisite. No departure from this rule is observed in respect of measures introducing Constitutional changes.

An ordinary Legislative Resolution moved in the Federal Council is considered as passed when a majority of the votes of the States represented at the sitting appears in its favour. The number of votes allotted to the several Federal States is determined by the Constitution. Prussia, as the presiding State, has the casting vote in the event of a tie.

In the case, however, of a Resolution involving an alteration in the Constitution, the presence of 14 contradictory votes in the Federal Council will, as above stated, suffice for its rejection.

This last provision accordingly represents the single distinction between ordinary Imperial legislation and special legislation of the kind under consideration.

2. Kingdom of Prussia.

Article 107 of the Constitution of the 31st January, 1850, prescribes as follows:—

"Changes in the Constitution way be effected by way of regular legislation; in respect of which it will suffice if in both Houses ("Herrenhaus und Abgeordnetenhaus") of the Landtag the ordinary absolute majority of the votes is obtained at two separate divisions, between which an interval must elapse of at least twenty-one days."

By Article 62, the additional condition is imposed that the proposed Constitutional change must receive the concurrence of the Prussian Government.

To render valid the acceptance of a Resolution in the Lower House of the Landtag ("Abgeordnetenhaus") it is essential that a majority of the statutory number of its Members be present. In the Upper House ("Herrenhaus"), 60 form a quorum. In both a Resolution is declared as passed when there appears an absolute majority of votes in its favour.

The only additional safeguard, therefore, in cases where Constitutional changes are involved, besides the concurrence of the Government, consists in the provisions that two distinct Resolutions to that end must be passed in either House of the Legislature, with an interval between them of at least twenty-one days.

I am indebted to the courtesy of Dr. Weber, Legal Adviser to Her Majesty's Embassy, for the information upon which the foregoing explanations are based.

(Signed) *C. Conway Thornton.*

Berlin, February 24, 1893.

Greece.

No. 11.

Mr. Egerton to the Earl of Rosebery.—(Received March 14.)

My Lord, Athens, February 28, 1893.

In reply to your Lordship's Circular despatch of the 14th instant I have the honour to subjoin translation of Article 107 of the Greek Constitution:—

"The revision of the whole Constitution cannot tako place. Particular provisions in it, with the exception of the fundamental principles, may be revised after ten years have elapsed from the time of its publication, and when the necessity of the revision has been verified.

"The necessity of the revision is to be regarded as verified, when the House of Representatives in two successive representative periods by a majority of three-quarters of the votes of all the Members, demands the revision by a special Act determining the provisions to be revised.

"The revision having been adopted the existing House of Representatives must be dissolved and a new Assembly convoked for the object, consisting of double the number of Representatives, which shall decide on the provisions to be revised."

I have, &c..
(Signed) *Edwin H. Egerton.*

Italy.

Nr. 12.

Lord Vivian to the Earl of Rosebery.—(Received February 27.)

My Lord, Rome, February 24, 1893.

In reply to your Circular despatch of the 14th instant, instructing me to furnish you with a Return, for presentation to Parliament, showing the majorities, numerical or proportional, required in either branch of the Legislature for the introduction of changes in the Italian Constitution, I have the honour to report that I have ascertained, after careful inquiry, that no provision of any kind has been made, either in the Constitution itself, or by Statute or law, fot changing the Constitution of Italy.

I have, &c.
(Signed) *Vivian.*

Mexico.

No. 13.

Sir S. St. John to the Earl of Rosebery.—(Received April 7.)

My Lord, Mexico, March 20, 1893.

I have the honour to acknowledge the receipt of Circular despatch of the 14th February, instructing me to furnish your Lordship with a Return for presentation to Parliament, showing the majorities, numerical or proportional, required in the elective or other branches of the Legislature for any changes in the Constitution of the State in which I reside.

In order to effect any change in the Constitution of the Republic of Mexico, it is necessary that the Congress of the Union should by a two-thirds vote of those present approve of the change; it is then submitted to the Legislatures of the different States, and must be approved by a majority of them. I inclose the Article of the Constitution, which refers to the subject taken from the authorized translation into French.

I have, &c.

(Signed) *Spenser St. John.*

Inclosure in No. 13.

Article 127 of the Mexican Constitution.

Titre VII.—De la Réforme de la Constitution.

Article 127. La Constitution présente peut être additionnée ou réformée.

Pour que les additions ou les réformes puissent faire partie de la Constitution il faut que le Congrès de l'Union, par le vote des deux tiers de ses Membres présents, approuve ces réformes ou additions et que celles-ci soient approuvées par la majorité des Corps Législatifs des États.

Le Congrès de l'Union fera la computation des votes des Corps Législatifs et la déclaration de l'approbation des dites additions ou réformes.

Netherlands.

Nr. 14.

Sir H. Rumbold to the Earl of Rosebery.—(Received February 24.)

My Lord, The Hague, February 21, 1893.

In compliance with the instructions contained in your Lordship's Circular despatch of the 14th instant, I have the honour to state that the procedure with respect to changes in the Constitution of the Netherlands is as follows:—

A Bill, embodying the modifications it is proposed to make in the Constitution, is laid by Government before the States-General, and has to be adopted, like any ordinary measure, by a majority in each of the two Chambers.

On the Bill being passed both Houses are dissolved, and the measure is then submitted to a new Legislature, a majority of at least two-thirds in both Houses being required for its final adoption.

For convenience of reference I inclose a translation of the Articles of the Constitution bearing on the question.

I have, &c.

(Signed) *Horace Rumbold.*

Inclosure in No. 14.

Fundamental Law of the Kingdom of the Netherlands, promulgated November 30, 1887.

Chapter XI.—Concerning Modifications.

(Translation.)

Paragraph 194. Any proposal for a modification of the Fundamental Law clearly enounces the modification proposed. The Law declares that grounds exist for taking into consideration the proposal as set forth.

Paragraph 195. After the promulgation of this Law the Chambers are dissolved. The newly-elected Chambers consider the proposal, and cannot adopt the modifications proposed, in accordance with the above-mentioned Law, by less than a majority of at least two-thirds of the votes given.

Paragraph 196. No alteration can be made in the succession to the Throne during a Regency.

Paragraph 197. The modifications of the Fundamental Law, agreed upon by the King and the States-General, are solemnly promulgated and added to the Fundamental Law.

Portugal.

No. 15.

Sir H. Macdonell to the Earl of Rosebery.—(Received March 4.)

My Lord, Lisbon, February 28, 1893.

With reference to your Lordship's Circular despatch of the 14th instant, I have the honour to inclose the translation of a note wich I have received from the Portuguese Minister for Foreign Affairs informing me of the procedure in the two Chambers, which is necessary for any change in the Portuguese Constitution.

I have, &c.

(Signed) *H. C. Macdonell.*

Inclosure in No. 15.

Senhor Ribeiro to Sir H. Macdonell.

(Translation.)

Your Excellency, Foreign Department, Lisbon, February 27, 1893.

With reference to your Excellency's note dated the 24th instant, I have much pleasure in furnishing your Excellency with the following information extracted from various articles of the "Constitutional Charter" which I quote:—

"Article 140. Should it be found out, at the expiration of four years after the taking of the Oath to the Constitution of the country, that any of its Articles stands in need of reform, a proposal to that effect is to be drawn up in writing; it must originate with the Chamber of Deputies, and be supported by one-third of that Body.

"Art. 141. The proposal referred to is to be read three times at

intervals of six days between each reading; and after it shall have been read a third time, the Chamber of Deputies will then decide whether it is to be admitted to discussion to be followed by the usual course of proceeding for the passing of any ordinary law.

"Art. 142. After the proposal is admitted to discussion, and the necessity for the reform of the Constitutional Article is carried, the Law will be passed—which will be sanctioned and published by the King in the ordinary manner; in this Law the electors of Deputies for the next Legislature will be enjoined to confer upon their Representatives special powers for the proposed reform or alteration.

"Art. 143. The matter will be proposed and discussed in the first Session of the next Legislature, and the alteration of or addition to the Fundamental Law will be made according to the vote given, and the addition thus made to the Constitution will be solemnly published."

According to the rule laid down in Article 162 of the internal Regulations of the Chamber of Deputies, no proposal can be considered as approved or rejected by the Chamber, unless it is either approved or rejected by one-fourth of the total number of Deputies as laid down in the Electoral Law, and by the majority of those present.

In the Chamber of Peers an absolute plurality of votes is also required in order that any proposals may be carried, and no decisions will be considered valid unless there are at least 15 votes in favour of the same, in accordance with Article 83 of the internal Regulations of the Chamber of Peers.

From this statement your Excellency will see that in the two Chambers of the Portuguese Parliament a simple majority is sufficient for reforming any Article of the Constitutional Charter, and that in order to recognize the necessity of such reform it is necessary that the proposal to that effect should be supported by one-third of the Members of the Chamber of Deputies.

I avail, &c.
(Signed) *Hintze Ribeiro.*

Roumania.

No. 16.

Mr. C. Hardinge to the Earl of Rosebery.—(Received February 25.)

My Lord, Bucharest, February 21, 1893.

In accordance with the instructions contained in your Lordship's Circular despatch of the 14th instant, I have the honour to transmit herewith a translation of Article 128 of the Roumanian Constitution which requiries that, in the event of a change in the Constitution being desired, the two Chambers which have been dissolved and re-elected cannot deliberate without at least two-thirds of the Members which compose each of them being present, and no change can be adopted without obtaining in its favour at least two-thirds of the suffrages.

I have, &c.
(Signed) *Charles Hardinge.*

Inclosure in No. 16.

Article 128 of the Roumanian Constitution.

(Translation.)

Article 128. The Legislative Power has the right to declare the necessity for revision of any portion of the Constitution which it may choose.

After a declaration in this sense read three times publicly, each time at a fortnight's interval, and with the approval of the two Assemblies, the Assemblies are legally dissolved and new ones shall be convoked within the delay prescribed by Article 95.

The new Assemblies decide, in accord with the King, upon the points submitted for revision.

In each case, the Assemblies cannot deliberate unless two-thirds at least of the Members which compose each of them are present, and no change will be adopted, unless it unites at least two-thirds of the votes in its favour.

N.B.—According to Article 95, the elections take place two months after the dissolution, and the convocation of the Assemblies one month later.

Russia.

No. 17.

Sir R. Morier to the Earl of Rosebery.—(Received April 17.)

My Lord, St. Petersburgh, April 10, 1893.

In reply to your Lordship's Circular despatch of the 14th February last, calling for a statement of the conditions necessary to a change in the Constitution of this country, I have the honour to inclose herewith a short Memorandum by Mr. O'Beirne.

I have, &c.

(Signed) *R. B. D. Morier.*

Inclosure in No. 17.

Memorandum.

Russia.—There are in Russia no Legislative Bodies, properly so called, the power of legislation residing exclusively in the person of the Emperor. Of the two principal governing Bodies which are concerned in matters of legislation—the "Council of the Empire" and the „Ruling Senate"—the first is empowered only to deliberate, and advise the Sovereign; but His Majesty is nowise bound by such advice, and has repeatedly made Laws contrary to the opinion of the majority of the Council. The "Ruling Senate" records and promulgates the Emperor's Decrees.

Finland.—Under the Constitution of Finland, the legislative power is exercised conjointly by the Emperor and the Diet. This Assembly is composed of four Orders: the nobles, clergy, burghers, and peasants, of which the three last named are elective. Each Order votes apart; and whilst, in matters of ordinary legislation, a proposal is deemed to have been

accepted by the Diet when it has obtained an absolute majority of votes in three out of the four Orders, it is required that measures affecting the Fundamental Laws or Constitution shall receive the assent of a majority of each of the four Orders. It is further provided that such Constitutional changes can be initiated by the Emperor alone. The Finnish "Senate" advises the Emperor in questions of legislation, and promulgates Laws which have received his sanction.

Saxony.

No. 18.

Mr. Strachey to the Earl of Rosebery.—(Received February 18.)

My Lord, Dresden, February 16, 1893.

Changes in the Constitution of the Kingdom of Saxony require—

(*a.*)The assent of both Houses of the Legislature.

(*b.*) The presence in each House of three-fourths of its legal complement of Members.

(*c.*) A majority in each House of two-thirds of the Members actually voting.

Proposals for Constitutional changes emanating from the Legislature cannot be laid before the Crown unless they have been adopted in two successive Sessions. Constitutional amendments introduced by the Crown are not subject to this last restriction.

On the above, I would observe that the meetings of the Saxon Legislature are biennial, and that one-third of the Members of the Lower House retire previous to every triennial Session, when new elections take place for the vacant seats.

I have, &c.
(Signed) *G. Strachey.*

Servia.

No. 19.

Lord Vaux to the Earl of Rosebery.—(Received March 3.)

My Lord, Belgrade, February 17, 1893.

In accordance with the instructions contained in your Lordship's Circular despatch of the 14th instant, I have the honour to forward herewith a Memorandum showing the majorities required in the Servian Skuptchinas in order to effect a change in the Constitution of the Kingdom.

I have &c.
(Signed) *Vaux of Harrowden.*

Inclosure in No. 19.

Memorandum showing Majorities required in the Skuptchinas to effect Changes in the Servian Constitution.

Article 201 of the Constitution of Servia provides that proposals tending to modify or add to the Constitution may be presented either by

the King or by the National Skuptchina. If the proposal emanates from the King it must be submitted to two Skuptchinas elected consecutively; after this second Skuptchina has been dissolved, the Grand Skuptchina must be convoked within a period of four months. The Grand Skuptchina consists of twice as many Members as the ordinary (or National) Skuptchina.

If the proposal is made by the Skuptchina it must be voted on three separate occasions, with a clear interval of five days between each vote. At least three-quarters of the full number of Deputies must be present, and the proposition can only be adopted if, at least, two-thirds of the Deputies present vote in its favour. The modification having been voted in this manner by two successive Skuptchinas, the Grand Skuptchina must be convoked within four months from the date of the vote. In both cases the Grand Skuptchina may only deliberate and vote upon the particular question before it.

Article 202 provides that certain Articles of the Constitution regarding the election of Members, distribution of electoral districts, and manner of holding the elections, may, exceptionally, be altered by the Skuptchina voting in the ordinary manner.

Article 68 forbids any change in the Constitution during the minority of the King.

I have, &c.
(Signed) *Vaux of Harrowden.*

Belgrade, February 17, 1893.

Spain.

No. 20.

Sir H. Drummond Wolff to the Earl of Rosebery.—(Received March 17.)

My Lord, Madrid, March 13, 1893.

In reply to your Lordship's Circular despatch of the 14th ultimo, I have the honour to inclose a Memorandum, drawn up by Mr. Gosselin, on the Parliamentary procedure required for any changes in the Constitution of Spain.

I have, &c.
(Signed) *H. Drummond Wolff.*

Inclosure in No. 20.

Memorandum on the Majority required in Cortes for effecting a Change in the Spanish Constitution.

Unlike many Fundamental Laws, the Spanish Constitution, promulgated after the Restoration in 1876, makes no mention of the contingency of its reform.

The Upper Chamber, or Senate, is composed of three classes of Senators:—

1. Senators by their own right.

2. Life Senators nominated by the Crown (these two categories not to exceed, taken together, 180).

3. 180 Senators elected by the Corporations of the State, the Provinces, Universities, Academies, &c., and by the largest taxpayers.

Though the Constitution contains a long list of those eligible for nomination by the Crown, or for election by the State Corporations, &c., to the Senate, Article 23 expressly declares that "the conditions necessary for being nominated or elected Senator can be changed by a Law".

Similarly, Article 27 lays down that the Lower Chamber shall be composed of candidates chosen by the Electoral Juntas "in the form determined by law;" and, in accordance with this provision, universal suffrage was voted in 1890 without the convocation of any constituent Cortes or the alteration of the text of the Constitution itself.

What is known, then, in the United Kingdom as a "Reform Bill", or an alteration or extension of the Parliamentary suffrage in either House, can undoubtedly be effected by the ordinary Cortes, provided the measure be supported by the majority necessary for passing any ordinary Law.

This majority is fixed by Article 43:—

"The Resolutions of each of co-legislative Bodies are adopted by a majority of votes, but for the voting of Laws, the presence of half plus one of the total number of Members composing the Chamber, is requisite."

It is a moot point whether it would be necessary to summon a constituent Cortes, in the event of it being deemed necessary to modify the text of the Constitution; some authorities hold that this could be done by a simple legislative measure passed by the ordinary Cortes, while others maintain that any such measure must be submitted to a constituent Cortes summoned ad hoc.

Madrid, March 13, 1893. (Signed) *Martin Gosselin.*

Sweden and Norway.

No. 21.

Mr. Gough to the Earl of Rosebery.—(Received February 28.)

My Lord, Stockholm, February 24, 1893.

In obedience to the instructions contained in your Lordship's Circular of the 14th instant, I have the honour to forward herewith a Return showing the majorities required in the Legislatures of Sweden and Norway for any changes in the Constitutions of these Kingdoms.

I have, &c.
(Signed) *H. Gough.*

Inclosure in No. 21.

Memorandum.

Changes in the Swedish Constitution require the sanction of two ordinary (not extraordinary) Sessions of the Riksdag with an intervening general election of the Second Chamber.

A simply majority of votes in each Chamber suffices.

Changes in the Act of Union between Sweden and Norway require the sanction of both Parliaments (Riksdag and Storthing).

In Norway changes in the Constitution can only be proposed in the first Session after the election of an ordinary Storthing for three years, and they cannot be voted until after a fresh election has taken place for an ordinary (not extraordinary) Storthing, when a majority of two-thirds of the votes is required.

Proposed changes of the Constitution, however, must never be in opposition to its principles, but only relate to such modifications of individual provisions as shall not alter the spirit of the Constitutions.

Changes in the Act of Union, which is a part of the Norwegian Constitution, require the sanction of the Parliaments of both countries.

Switzerland.

No. 22.

Mr. St. John to the Earl of Rosebery.—(Received February 25.)

My Lord, Berne, February 23, 1893.

With reference to your Lordship's Circular of the 14th instant, I have the honour to inclose herewith a Return showing that a numerical majority of the electing public of Switzerland is sufficient for any Constitutional changes, which can be proposed by either of the Legislative Chambers (whose measures are also in every case decided by a numerical majority), or by 50,000 vote-possessing citizens.

I have, &c.

(Signed) *F. R. St. John.*

Inclosure in No. 22.

Memorandum.

The Constitution of Switzerland may at any time be revised, in part or in whole, on a demand from either Legislative Chamber or from 50,000 vote-possessing citizens, if duly drawn up in writing and approved by a numerical majority of the electing public of Switzerland to whom the question "yea" or "nay" is submitted in the well-known form of a Referendum.

United States.

No. 23.

Sir J. Pauncefote to the Earl of Rosebery.—(Received April 13.)

My Lord, Washington, April 1, 1893.

In accordance with the instructions contained in your Lordship's Circular despatch No. 40 of the 14th February last, I have the honour to transmit copy of a letter and supplemental Memorandum addressed to me by Mr. Calderon Carlisle, Legal Adviser to this Legation, inclosing Returns showing the majorities, numerical and proportional, required in the elective and other branches of the Legislature for any changes in the Constitution of the United States itself, and also those required severally for any changes in the Constitution of thirty-six of the States of the Union.

I have, &c.

(Signed) *Julian Pauncefote.*

Inclosure 1 in No. 23.

Mr. Carlisle to Sir Julian Pauncefote.

Sir, Washington, D.C., March 15, 1893.

I have the honour to return herewith Circular No. 40 of the Foreign Office, asking you to furnish a Return showing the majorities, numerical or proportional, required in the elective and other branches of Legislature for any changes in the Constitution of "the State in which you reside."

So far as the Federal Constitution is concerned, the Return need only be the inclosed transcript of Article 5 of the Constitution of the United States, to which I have appended some notes. It occurs to me, however, that the provisions of the various State Constitutions on the subject of amendments might furnish some interesting information, and I shall send you, in a day or two, the result of my examination.

I have, &c.

(Signed) *Calderon Carlisle.*

Inclosure 2 in No. 23.

Article 5 of the Constitution of the United States.

The Congress, whenever two-thirds of both Houses shall deem it necessary, shall propose amendments to this Constitution, or, on the application of the Legislatures of two-thirds of the several States, shall call a Convention for proposing amendments, which, in either case, shall be valid to all intents and purposes, as part of this Constitution, when ratified by the Legislatures of three-fourths of the several States, or by Conventions in three-fourths thereof, as the one or the other mode of ratification may be proposed by the Congress; provided that no amendment, which may be made prior to the year 1808, shall in any manner affect the 1st and 4th clauses in the 9th section of the Ist Article; and that no State, without its consent, shall be deprived of its equal suffrage in the Senate.

N.B.—Upon the call of Congress in regard to the submission of the fourteenth amendment to the Legislatures of the States, President Johnson took the ground that the Resulution proposed in the Amendment ought to be submitted to the President for his approval. The practice has always been otherwise, and it has been held in the case of Hollingsworth v. Virginia, 3 Dallas, 378, that the approval of the President is not necessary. It is to be observed that the Resolution proposing an amendment must be adopted by two-thirds of both Houses, which should be sufficient to pass any Resolution or Law over the President's veto. As a matter of fact, all amendments to the Constitution of the United States have been proposed to the Legislatures; none to Conventions of States.

Inclosure 3 in No. 23.

Supplemental Memorandum in answer to Foreign Office Circular No. 40 of February 14, 1893.

I have examined the provisions with regard to amendment in the Constitutions of thirty-six States of the Union, and give below a Table

showing the majorities, numerical and proportional, required in the Legislatures for any change in the Constitutions and furnishing other information. In some instances double legislative action is required, i.e., one Legislature proposes and the succeeding Legislature ratifies; in others, in addition to the legislative ratification, there is a final ratification by popular vote, whilst in some others the legislative ratification is omitted, and in others the popular ratification is not required. The legislative majorities range from a simple majority to three-fourths, and in some States (e.g., Delaware) two-thirds only is required to propose, but three-fourths to ratify.

In most States provision is made, in addition to that for amendment by the Legislature and the people, for calling a Convention to revise or amend their Constitutions, or to adopt entirely new ones, but in three States, noted in the annexed Table, there is no provision for amendment except by a Constitutional Convention.

March 29, 1893. (Signed) *Calderon Carlisle.*

Inclosure 4 in No. 23.

Table showing requirements for Amendment of Constitutions of the United States of America (thirty-six States).

State.	Vote of Legislature to Amend.	Publication in Newspaper.	Ratification.
Alabama . . . . Illinois. Mississippi. Michigan. Louisiana. Texas.	Two-thirds of the Members elected to each branch of the Legislature.	In every county where a newspaper is published.	By majority vote of electors at next general election of Legislature.
West Virginia.. Arkansas. Missouri. Minnesota.	Majority of the Members elected to each branch of the Legislature.	Ditto	Ditto.
Colorado	Two-thirds majority of all the Members elected to each House of the Legislature.	Ditto	Ditto.
California . . Indiana.	Majority vote to propose, subject to ratification by next succeeding Legislature.	Ditto	Majority vote of newly-elected Legislature.
Connecticut . . Tennessee . .	Majority vote to propose, subject to ratification by next succeeding Legislature.	Ditto	Two-thirds vote of newly-elected Legislatures, and final ratification by the people.
Virginia . . . . Nevada. New Jersey. Pennsylvania. Oregon. Wisconsin. Iowa.	Majority vote of all Members elected to each branch of the Legislature subject to ratification by next succeeding Legislature.	Ditto	Majority vote of newly-elected Legislature, and finally ratification by vote of the people.
Rhode Island..	Majority vote to propose, subject to ratification by next succeeding Legislature.	Ditto	Majority vote of newly-elected Legislatures, and final ratification by three-fifth vote of electors.
Vermont	Senate propose by two-thirds vote if concurred in by majority of Members of House of Representatives, then referred to next succeeding Legislature.	Ditto	Majority vote of newly-elected Legislature, and final ratification by vote of the people.

State.	Vote of Legislature to Amend.	Publication in Newspaper.	Ratification.
Ohio .. .. Kansas. Nebraska. North Carolina. Maryland.	Three-fifths vote of members elected to each branch of Legislature.	Ditto	Majority vote of electors at next general election of Members of Legislature.
South Carolina.	Two-thirds of members elected to both branches of the Legislature propose, subject to ratification by next succeeding Legislature.	Ditto	Majority vote of electors at the next general election, and ratification by the newly-elected Legislature by a two-thirds vote of all Members elected to each branch.
Florida .. .. Georgia.	Ditto	Ditto	Newly-elected Legislature ratify by two-thirds vote, and finally submit to people.
Delaware ..	Two-thirds vote of Members elected to both Houses of the Legislature, with approval of Governor, propose, subject to ratification by next succeeding Legislature.	Ditto	Newly-elected Legislature ratify by a three-fourths vote.
Maine	Amended only by Convention. The Legislature, by two-thirds vote of all members elected to both Houses, have power to call Constitutional Convention for purpose of amending, &c.		
Massachussetts.	Amended only by Convention. General Court issue precepts to convene qualified voters to vote for or against calling Convention, if two-thirds qualified voters vote in favour of such Convention—the General Court to call Convention.		
Kentucky ..	Amended only by Convention. When a majority of both branches of the Legislature deem it necessary to call Convention, they shall have polls open at next general election and take sense of people, and if majority favour and majority of newly-elected Legislature favour, they shall again take sense of the people; and if majority of qualified voters voting vote in favour of such Convention, the Legislature shall provide by Law for calling same.		

Argentine Republic.

No. 24.

Mr. Pakenham to the Earl of Rosebery.—(Received May 1.)

My Lord, Buenos Ayres, April 2, 1893.

In reply to your Lordship's Circular despatch of the 14th February last, I have the honour to state that, in accordance with the terms of Article 30 of the Argentine Constitution, translation of which is herein inclosed, a majority of at least two-thirds of the Members of both of the Legislative Chambers is required for the consideration of any change in the Constitution. The proposed alterations, however, cannot be carried into effect until they have been sanctioned by a Constituent Assembly especially elected for the purpose.

The elections for this Assembly are carried out under exactly similar conditions as those provided for the election of the Chamber of Deputies.

No one who is at the time serving as a Deputy, Senator or employé of the State can present himself for election, as the Assembly must be composed of an entirely separate and independent body of Representatives

elected only for the purpose of discussing and approving the proposed reforms in the Constitution, and a similar majority of two-thirds of the Members of this Assembly is equally required for their final sanction.

Similar provisions are also made for any change in each of the provincial Constitutions.

I have, &c.,
(Signed) *F. Pakenham.*

Inclosure in No. 24.

Article 30 of Argentine Federal Constitution.

(Translation.)

The Constitution can be reformed either partially or totally. The necessity for reform must be declared by Congress by a vote of at least two-thirds of its members, but it can only be carried into effect by means of a Constituent Assembly elected for that purpose.

Chile.

No. 25.

Mr. J. G. Kennedy to the Earl of Rosebery.—(Received July 10.)

My Lord, Santiago, May 26, 1893,

In pursuance of the instructions contained in your Lordship's Circular despatch of the 14th February last, I have the honour to inclose translation of a note in which, in response to my application, the Minister for Foreign Affairs has been good enough to furnish complete information respecting the conditions under which alone Congress can effect changes in the Constitution of the Republic.

I have, &c.
(Signed) *J. G. Kennedy.*

Inclosure in No. 25.

Señor Blanco to Mr. J. G. Kennedy.

(Translation.)

Sir, Ministry of Foreign Relations, Santiago, May 19, 1893.

I have had the honour to receive your Excellency's note of the 7th ultimo, in which you are good enough to inform me that, in pursuance of instructions from the Foreign Office, you solicit from this Department a Return showing the majority, numerical or proportional, required in the two branches of the Legislative Power for the introduction of any change in the political Constitution of the Republic, a Return or Memorandum which the Foreign Office will present to the British Parliament.

I readily comply with the wishes of the Foreign Office, by supplying in this communication the procedure which the Constitution itself establishes whenever any modification of its text may be considered necessary.

In order to modify any disposition or Article of the Constitution of Chile, the Constitution requires that the reforms of its dispositions once

approved by both branches of Congress shall be ratified hy the Congress, which may be elected or renewed after the publication of the project of reform.

As your Excellency may see, in order to introduce modifications in the Chilean Constitution it is not sufficient that said modifications obtain the approval of the Congress in which they were submitted and approved, but that they must be ratified by the immediately succeeding Congress.

In conformity to that which is provided by the Constitution in reference to this matter, I beg here to reproduce some further provisions which it contains.

In Article 156, it provides that "the reform of the Constitutional dispositions may be proposed in either of the Chambers," and that "the project of reform cannot be voted in either of the Chambers without the presence of the absolute majority of the Members of which it is composed."

The project of reform having been approved in the Chamber where it had been presented must pass at once to the other Chamber for discussion and approval during the period of its Session.

If the project of reform should be rejected in the Chamber where first presented, it cannot be proposed in it (again) until the Session of the following year, in conformity with Article 42. But, as your Excellency knows, the Congress of Chile is renewed every three years, and has consequently three periods of Sessions, during which any proposal of reform can be discussed.

If the project of reform should be approved by both Chambers in the manner above designated, it must be submitted to the President of the Republic, who, if he also approves of it, shall promulgate it as a project of Constitutional reform.

It may happen that a project of reform approved by one of the Chambers may be totally rejected by the other, and in this circumstance, the Constitution provides in Article 50 that the said project of reform shall return to the Chamber of its origin, which shall take it into consideration, and, if it should be approved by a majority of two-thirds of its members present, it shall pass a second time to te Chamber which rejected it, and it can only be held to have been again rejected if a vote of two-thirds of the Members present concurs in so doing.

The Constitution of the Republic has also been placed in the position that a project of reform may be added to or corrected by the revising Chamber, and in such case it is necessary that it should return to the Chamber of origin, and if the additions or corrections should be there approved by the absolute majority of the Members present, it will then pass to the President of the Republic.

"But if the additions or corrections of the project of reform should be rejected in the Chamber of origin, the project shall return a second time to the revising Chamber, where, should the additions and corrections be again approved by a majority of two-thirds of the Members present, the project shall return to the other Chamber, and it will not be understood that the latter rejects the said additions and correetions unless the vote of the two-thirds of the Members present shall concur in so doing."

I have already informed your Excellency that "a project of Constitutional reform having been approved by both Chambers must be sent to the President of the Republic for the purpose which I had the honour to explain to you." Article 166 of the Constitution adds, however, in this respect, that the President of the Republic can only take note of said project of reform with a view to propose modifications or corrections in the reforms agreed upon by Congress.

"If the modifications which the President of the Republic might propose should be approved in each Chamber by the majority of two-thirds of the Members present in accordance with the provisions of paragraph 2 of the 165th Article, the project will be returned to the President of the Republic in the form in which he has presented it for its promulgation."

It might also happen that Congress might approve in part the modifications or corrections made by the President of the Republic, and, if the Chambers should not insist by a majority of two-thirds upon the reforms approved by Congress and modified by the President, approval shall be given to the reforms respecting which the President of the Republic and Congress are agreed, and the project in that form shall be returned for promulgation.

"If the Chambers should not approve the modifications proposed by the President of the Republic, and should insist by a majority of two-thirds in each Chamber upon the reforms previously approved by Congress, the project in its original form shall be returned to the President of the Republic, so that he may publish it." (Art. 166.)

The above are the procedures established by the Chilean Constitution for the discussion and approbation in Congress of any modification which it is desired to introduce in its text.

In this form the project of reform must be submitted to the ratifying Congress, and for this purpose the Constitution disposes as follows (Art. 167): —

"The reforms approved and published, to which the two preceding Articles refer (167-7), will be submitted to the ratification of the Congress elected or renewed immediately after the publication of the project of reform."

This Congress will declare its opinion on the ratification of the reforms in the same terms in which they have been proposed, without making any change in them.

The discussion on the acceptance and ratification will commence in the Chamber which originated the project of reform, and each Chamber will give its opinion by the absolute majority of the number of the Members present, which may not be less than the absolute majority of the number of Members composing each Chamber.

The project of reform once ratified by each one of the Chambers will be transmitted to the President of the Republic for publication.

The project once promulgated, its provisions will form part of the Constitution, and will be considered as incorporated in it.

The reforms which may have to be submitted to the ratification of

the immediately succeeding Congress will be published by the President of the Republic within the six months preceding the renewal of the said Congress, and at least three months before the date of the verification of the elections. In issuing the above publication, the President of the Republic will announce to the country that the Congress about to be elected is charged with the acceptance and ratification of the proposed reforms.

Whenever the Congress summoned to ratify the reforms should allow the Constitutional period to elapse without doing so, the reforms will be considered as not proposed (Art. 158).

Should Congress be convoked to Extraordinary Sessions, the projects of reform referred to in Article 156 may be proposed, discussed, and voted in either of the Chambers, even although they had not been included by the President of the Republic in the convocation.

The Congress summoned to deliberate on the ratification of the proposed reforms shall be able, if agreed upon in both Chambers by an absolute majority of votes in sittings held with the concurrence also of the absolute majority of their Members, to remain in Extraordinary Session for ninety days, without necessity of convocation by the President of the Republic, in order to occupy themselves exclusively with the question of ratification.

"In every case the Chambers can deliberate on the ratification of the reforms proposed in the Extraordinary Sessions to which they had been convoked by the President of the Republic, even although that subject had not been included in the convocation" (Art. 159).

I think that I have fulfilled in this long communication the wishes expressed to the Foreign Office by the British Parliament and by your Excellency to this Department. As you will perceive, the Chilean Constituent (Assembly) in elaborating our Fundamental Charter endeavoured to submit every modification which it might be desired to introduce into it to the approval of two Congresses, so that the alterations which might be effected should be the result of a calm and thoughtful resolution.

I avail, &c.

(Signed) *V. Blanco.*

Colombia.

No. 26.

Mr. Jenner to the Earl of Rosebery.—(Received August 9.)

My Lord, Bogotá, July 6, 1893.

In reply to your Lordship's Circular despatch of the 14th February last, I have the honour to state that "the Constitution of Colombia may be amended by a legislative Act, discussed and adopted after three several readings in the usual manner by Congress, submitted by the Government to the next following Legislature for its definitive action, and by it newly discussed, and finally adopted by two-thirds of the Members voting in both Houses." (Official English translation of the Constitution of 1886.)

The "two-thirds" are two-thirds of the quorum, which is one-third

of the total number of Members either in the House of Representatives or the Senate.

The Legislature meets every second year; the Representatives are elected for two Sessions or four years, and a Constitutional amendment may therefore have to be considered by the same or by a different House, according to whether the measure was introduced during the first or the second Session.

Senators are elected for six years, one-third part of the Senate being renewed every two years.

I have, &c.
(Signed) *G. Jenner.*

Ecuador.

No. 27.

Mr. Haggard to the Earl of Rosebery.—(Received May 17.)

My Lord, Quito, April 15, 1893.

With reference to your Circular despatch of the 14th February, I have the honour to state to your Lordship that I am informed by the Ecuadorian Government that in both Houses an absolute majority is all that is necessary for any change in the Constitution.

A project of law for such a change is presented, and proceeds in the ordinary way, i.e., it has to pass both Houses and receive the consent of the President; the only difference of procedure with that of an ordinary Act of Legislature being that it has to be passed by two successive Congresses before it becomes law.

I have, &c.
(Signed) *W. H. D. Haggard.*

Guatemala.

No. 28.

Mr. Gosling to the Earl of Rosebery.—(Received July 28.)

My Lord, Guatemala, July 5, 1893.

On the receipt of your Lordship's Circular despatch ot the 14th February last, I lost no time in applying to the Governments of Central America for Returns showing the majorities, numerical or proportional, required in the elective and other branches of the Legislature for any change in the Constitution of those States.

Up to the present, I have only succeeded in obtaining replies from Costa Rica, Honduras, and Salvador, copies of which I have the honour to inclose.

Your Lordship will observe that in all three instances a majority of two-thirds of Congress is required to effect such changes.

So soon as replies, for which I have again applied, reach me from the Governments of Guatemala and Nicaragua, I will forward them to your Lordship.

I have, &c.
(Signed) *Audley Gosling.*

Inclosure 1 in No. 28.

Consul Sharpe to Mr. Gosling.

Sir, San José, May 3, 1893.

I have the honour to acknowledge the receipt of your Circular despatch of the 9th ultimo, requesting me to furnish you with a Return, for presentation to Parliament, showing the majorities, numerical or proportional, required in the elective and other branches of the Legislature for any changes in the Constitution of the Republic of Costa Rica.

In reply, I have to honour the transmit herewith said Return, in duplicate, by which it will be seen that no reforms in the Constitution can take place without the consent of two-thirds of the votes of Congress.

I have, &c.

(Signed) *Cecil Sharpe.*

Inclosure 2 in No. 28.

Return showing the Majority required for any changes in the Constitution of the Republic of Costa Rica.

Article 134, section 3, chapter 12 of the political Constitution of the Republic provides: "Two-thirds of the votes of Congress".

Inclosure 3 in No. 28.

Acting Vice-Consul Heyden to Mr. Gosling.

Sir, Amapala, June 4, 1893.

Referring to your Circular, dated 9th April ultimo, regarding the majorities required for any changes in the Constitution of the Republic of Honduras, I have the honour to inform you that such changes can only be made by a two-thirds vote of a Constitutional Assembly elected by a majority of the people for that special purpose by a direct vote.

Article 27 of the Constitution says:—

"The present Constitution may be reformed. The necessity of reforming it must be declared by an ordinary Session of Congress, but can only be effected by a National Constitutional Assembly convoked for the purpose. The proposition of a reform is invalid unless carried by a two-thirds vote of the Congress. These requisites are excepted in the case provided for in Article 1.'

"Article 1. Honduras is considered a separate part of the Republic of Central America, in consequence of which she recognizes as her principal duty and most urgent necessity to rejoin the other separate sections. To attain this object the present Constitution shall be no obstacle, and may be reformed or abolished by Congress to ratify Agreements, Treaties, or Conventions that have a tendency to give, or result in, the national reconstruction of Central America."

I have, &c.

(Signed) *G. Heyden.*

Inclosure 4 in No. 5.

Reform in the Constitution and Constitutional Laws of the Republic of Salvador.

Change or reform in the Constitution can be effected only by a majority of two-thirds of the votes of the Representatives elected to the Assembly. The Article or Articles to be reformed shall be duly printed; the decision thereon being published in the official Gazette, and again submitted to the consideration of the Legislature the following year. Should such reform be then ratified by them a Constituent Assembly shall then be called, consisting of three Representatives from each Department, with power to sanction such reform or reforms, should they approve thereof. It is, however, ordained by Statute that no reform whatever shall be made in Articles 80, 81, 82 relating to the re-election of the President, Vice-President, and Presidential candidates, and to the duration of the Presidential term of office.

Constitutional Laws are those of the Press, State of Siege, National Defence, and Elections. These laws can be reformed by a Constituent Assembly or the Common Legislature, by a majority of two-thirds of the votes, but in no case should any such reforms be legal unless duly ratified by the Common Legislature the following year, and by an equal number of votes.

Any further means of reform employed save those laid down in the foregoing Articles shall be null and void.

Hawaiian Islands.

No. 29.

Major Wodehouse to Foreign Office.—(Received August 1.)

Major Wodehouse presents his compliments to Sir Philip Currie, and begs to transmit a reply to the Circular despatch from the Foreign Office of the 14th February last.

Honolulu, July 7, 1893.

Inclosure in No. 29.

Article 8 of Constitution of Hawaiian Islands, 1887.

Any amendment or amendments to this Constitution may be proposed in the Legislature, and if the same shall be agreed to by a majority of the Members thereof, such proposed amendment or amendments shall be published for three months previous to the next election of Representatives and Nobles, and if in the next Legislature such amendment or amendments shall be agreed to by two-thirds of all the Members of the Legislature, such amendment or amendments shall become part of the Constitution of this Kingdom.

Haïti.

No. 30.

Acting Consul-General Tweedy to the Earl of Rosebery.—(Received April 20.)

My Lord, Port-au-Prince, March 22, 1893.

In obedience to your Lordship's Circular despatch of the 14th ultimo, instructing me to furnish a Return showing the majorities, numerical or proportional, required in the elective and other branches of the Legislature for any changes in the Constitution of Haïti, I have the honour to report as follows:—

To form a Constitutional quorum for either of the Legislative Chambers, it is required that there should be present two-thirds of their respective Members.

Thus, neither Chamber can pass a Resolution unless two-thirds of their Members are present.

When the required two-thirds of the Members are assembled, a Resolution can only be carried by an absolute majority of votes.

In order to revise the Constitution of Haïti, it is required that each Chamber shall separately declare, by an absolute majority of votes, that there is occasion to proceed with the revision.

After which declaration the two Chambers unite in National Assembly, and the revision cannot be adopted except by a majority of two-thirds of the suffrages.

I have the honour to inclose herewith copy of a statement on the subject by a prominent member of the Haïtian Bar, Mr. I. N. Leger, whom I have consulted, with a view to being exact in my Report.

I may mention that, under the present Constitution, there exist ninety-six Deputies who are elected for a period of three years, and thirty-nine Senators elected for a period of six years.

I have. &c.

(Signed) *Arthur Tweedy.*

Inclosure in No. 7.

Opinion of M. Leger on Majorities, numerical or proportional, required for Revision of the Constitution of Haïti.

Quelle est la majorité requise dans les deux Chambres pour la revision de la Constitution d'Haïti?

Le quorum de chacune des deux Chambres Législatives est fixé aux deux tiers de leurs Membres.

Chaque Chambre ne peut donc prendre de Résolution qu'autant que les deux tiers de ses Membres se trouvent réunis.

Quand les deux tiers des Membres sont réunis, les Résolutions sont prises à la majorité absolue des suffrages.

Pour reviser la Constitution d'Haïti il faut que chaque Chambre ait séparément déclaré, à la majorité absolue des suffrages, qu'il y avait lieu de procéder à la revision. Après cette déclaration, la Chambre des Communes et le Sénat se réunissent en Assemblée Nationale, et la revision ne peut être adopté qu'à la majorité des deux tiers des suffrages.

Port-au-Prince, le 19 Mars, 1893.

Japan.

No. 31.

Mr. de Bunsen to the Earl of Rosebery.—(Received May 8.)

My Lord, Tôkiô, April 5, 1893.

In obedience to the instruction contained in your Lordship's Circular despatch of the 14th February, I have the honour to transmit herewith extracts from the Japanese Constitution of 1889, showing the majorities requiered in the two Houses of the Imperial Diet for any changes in the Constitution.

I have, &c.
(Signed) *M. de Bunsen.*

Inclosure in No. 31.

Extracts from Japanese Constitution of 1889.

Preamble.

. . . . . When in future it may become necessary to amend any of the provisions of the present Constitution we or our successors shall assume the initiative right, and submit a project for the same to the Imperial Diet. The Imperial Diet shall pass its vote upon it, according to the conditions imposed by the present Constitution, and in no other way shall our descendants or our subjects be permitted to attempt any alteration thereof. . . . . .

(His Imperial Majesty's Sign-Manual.)

Chapter VII.

Article 73. When it has become necessary in future to amend the provisions of the present Constitution, a project to that effect shall be submitted to the Imperial Diet by Imperial Order.

In the above case, neither House can open the debate unless not less than two-thirds of the whole number of Members are present; and no amendment can be passed unless a majority of not less than two-thirds of the Members present is obtained.

Article 75. No modification can be introduced into the Constitution, or into the Imperial House Law, during the time of a Regency.

N.B.—The Japanese Diet consists of a House of Peers, numbering at present 272, and of a House of Representatives, numbering 300.

Peru.

No. 32.

Sir C. Mansfield to the Earl of Rosebery.—(Received May 19.)

My Lord, Lima, April 7, 1893.

In compliance with your Lordship's instructions, contained in Circular despatch of the 14th February, received by the last mail, I hasten to transmit the following extracts of Articles of the Peruvian Constitution with reference to the information required:—

Section 2, Article 62. The two Houses shall meet in Joint Congress ("Congreso pleno") to discuss and vote any project upon which either have disagreed, at the request of one or the other House; a majority of two-thirds being in this case necessary for the sanction of the Law.

Article 131. The reform of one or more Articles of the Constitution shall be sanctioned in the ordinary Session of the Legislature, in the same manner as any other Law, and following the same procedure; but the said reform shall not take effect unless it be likewise ratified by the subsequent Legislature.

The present Constitution of Peru was drawn up in 1860 and at the conclusion of the civil war in 1885 was selected from a number of Constitutions, which had been in operation, at various dates; since the declaration of independence, as that possessing the fewest anomalies.

I have, &c.

(Signed) *C. E. Mansfield.*

Saxe-Coburg-Gotha.

No. 33.

Mr. Stephen to the Earl of Rosebery.—(Received May 27.)

My Lord, Coburg, May 20, 1893.

In reply to your Lordship's Circular despatch of the 14th February, I have the honour to report that changes can be made in the Constitution of the State in the Duchies of Coburg and Gotha by the Landtag, if voted by a simple majority, two-thirds of the Members being present.

I have, &c.

(Signed) *A. Condie Stephen.*

Uruguay.

No. 34.

Mr. Satow to the Earl of Rosebery.—(Received May 20.)

My Lord, Monte Video, April 28, 1893.

In compliance with the instructions contained in your Lordship's Circular despatch of the 14th February last, I have the honour to inclose a Memorandum showing the majorities required in the Legislature for changes in the Constitution of the Oriental Republic of the Uruguay.

I have, &c.

(Signed) *Ernest Satow.*

Inclosure in No. 34.

Memorandum.

In order to modify one or more Articles of the Constitution, it is necessary that a motion to that effect be made in either House of the Legislative Assembly, and if it is supported by one-third of the Members it is communicated to the other House. If it should not be so supported,

the motion cannot be brought forward again until the next Session. If in the House to which the motion has been communicated it is likewise supported by one-third of the Members, the two Houses hold a conference to discuss and debate the question. Should the motion then not be approved by two-thirds of all the Members present, it cannot again be brought forward until the following Legislature. But if two-thirds of all the Members declare that the national interest requires that the Constitution be examined with a view to undertaking its reform the executive power shall be notified, who in giving orders for the next elections shall also give notice of the proposed amendment.

The newly-elected Senators and Representatives then come specially authorized by their constituents to examine the Constitution, and to propose the reforms, additions, or variations which had been previously supported by one-third of the two Chambers.

These proposed reforms, additions, or variations having been thoroughly discussed, their final acceptance or rejection, in whole or in part, is reserved for the next following Legislature, which duly authorized thereto will decide by a simple majority of votes.

The constitutional form of the Republic, however, cannot be changed except by a Grand General Assembly, composed of a double number of Senators and Representatives, specially authorized by their constituents to consider a matter of such importance, and the votes of three-quarters of the Members are necessary.

The meaning of the words "constitutional form of the Republic" is to be gathered from Article 13 of the Constitution, which declares that "The Eastern State of the Uruguay adopts for its Government the representative Republican form. With that object, it delegates the exercise of its sovereignty to the three high powers, namly, Legislative, Executive, and Judicial, in accordance with the rules to be hereinafter stated."

To sum up. In order to carry out a change in the Constitution of Uruguay it must be considered by three successive Legislatures, and requires, therefore, a lapse of at least five years from its proposal to its adoption, inasmuch as the duration of a Legislature is three years. For the adoption of the project, or second reading, a two-thirds majority of the whole legislative body is required, while, for the final sanction, or third reading, a simple majority suffices. But for any constitutional change of a radical nature a double number of legislators is required, three-fourths of whom must vote in its favour. In either case, the legislators must have a special mandate from their constituents.

These provisions are contained in Articles 152 to 159, inclusive, of the Constitution of the Oriental Republic of the Uruguay.

(Signed) *Ernest Satow.*

April 28, 1893.

56.

ÉTATS-UNIS D'AMÉRIQUE, ÉQUATEUR.

Convention destinée à résoudre par voie d'arbitrage les réclamations de I. R. Santos soulevées contre la République de l'Équateur; signée à Quito le 20 février 1893.*)

Conventions etc. Washington 1895.

The United States of America, and the Republic of Ecuador, being desirous of removing all questions of difference between them, and of maintaining their good relations, in a manner consonant to their just interests and dignity, have decided to conclude a convention, and for that purpose have named as their respective Plenipotentiaries, to wit:

The President of the United States; Rowland Blennerhassett Mahany, Envoy Extraordinary and Minister Plenipotentiary of the United States to Ecuador; and

The President of Ecuador; Honorato Vazquez, Plenipotentiary ad hoc, of that Republic; who, having communicated to each other their respective Full Powers, found in good and due form, have agreed upon the following articles:

Art. 1. — The two governments agree to refer to the decision of an arbitrator, to be designated in the manner hereinafter provided, the claim presented by the Government of the United States against that of the Republic of Ecuador, in behalf of Julio R. Santos, a native of Ecuador and naturalized as a citizen of the United States in the year 1874; the said claim being for injuries to his person and property, growing out of his arrest and imprisonment by the authorities of Ecuador, and other acts of the said authorities in the years 1884 and 1885.

Art. 2. — 1. In order to secure the services of a competent and impartial arbitrator, it is agreed that the Government of Her Britannic Majesty be requested to authorize its diplomatic representative in Quito, to act in that capacity; or in case of his absence from the country, that this permission be given his successor.

2. In case of the failure of the diplomatic representative of Her Britannic Majesty's Government, or of the successor of the said representative, to act as such arbiter, then the said representative, or his successor, be requested to name an arbitrator who shall not be a citizen either of the United States or of Ecuador.

3. Any vacancy in the office of Arbitrator, to be filled in the same manner as the original appointment.

Art. 3. — 1. As soon as may be after the designation of the Arbitrator, not to exceed the period of ninety days, the written or printed case of each of the contracting parties, accompanied by the documents,

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*) Les ratifications ont été échangées à Washington le 6 novembre 1894.

the official correspondence and other evidence on which each relies, shall be delivered to the Arbitrator, and to the agent of the other party; and within ninety days after such delivery and exchange of the cases of the two parties, either party may, in like manner, deliver to the Arbitrator, and to the agent of the other side, a counter-case to the documents and evidence presented by the other party, with such written or printed argument as may, by each, be deemed proper. And each government shall furnish upon the request of the other, or its agent, such papers in its possession as may be deemed important to the just determination of the claim.

2. Within the last named period of ninety days, the Arbitrator may also call for such evidence as he may deem proper, to be furnished within the same period; and shall also receive such oral and documentary evidence as each government may offer. Each government shall also furnish, upon the requisition of the Arbitrator, all documents in its possession, which may be deemed by him as material to the just determination of the claim.

3. Within sixty days after the last mentioned period of ninety days, the Arbitrator shall render his opinions and decisions in writing, and certify the same to the two Governments. These decisions and opinions shall embrace the following points, to-wit:

a) Whether, according to the evidence adduced, Julio R. Santos, by his return to and residence in Ecuador, did or did not, under the provisions of the Treaty of Naturalization between the two Governments, concluded May 6, 1872, for feit his United States citizenship as to Ecuador, and resume the obligations of the latter country.

(*b*) If he did not so forfeit his United States citizenship, whether or not it was shown by the evidence adduced, that Julio R. Santos has been guilty of such acts ot unfriendliness and hostility to the Government of Ecuador, as, under the Law of Nations, deprived him of the consideration and protection due a neutral citizen of a friendly Nation.

Article 4. — 1. In case either one or the other of the points recited in clauses (*a*) and (*b*) of the last preceding article, should be decided in favor of the contention of the Government of Ecuador, said Government shall be held to no further responsibility to that of the United States for arrest, imprisonment, and other acts of the authorities of Ecuador towards Julio R. Santos, during the years 1884 and 1885.

2. On the other hand, should the Arbitrator decide the above recited points against the contention of Ecuador, he shall, after a careful examination of the evidence touching the injuries and losses to the person and property of the said Santos, which shall have been laid before him concerning the arrest and imprisonment of said Santos, and other acts of the authorities of Ecuador towards him, during the years 1884 and 1885, award such damages for said injuries and losses as may be just and equitable; which shall be certified to the two Governments and shall be final and conclusive.

Art. 5. — 1. Both Governments agree to treat the decisions of the Arbitrator and his award as final and conclusive.

2. Should a pecuniary indemnity be awarded, it shall be specified in the gold coin of the United States and shall be paid to the Government thereof within sixty days after the beginning of the first session of the

Congress of Ecuador, held subsequent to the rendition of the award, and the said award shall bear interest at six per centum from the date of its rendition.

3. The Government of Ecuador, however, reserves the right to pay, before the expiration of the above stated time, the whole amount to the Government of the United States, with interest at six per centum from the date of the announcement of the award till the date of the payment thereof.

Art. 6. — 1. Each government shall pay its own agent and counsel, if any, for the expenses of preparing and submitting its case to the Arbitrator.

2. All other expenses, including reasonable compensation to the Secretary, if any, of the Arbitrator, shall be paid upon the certificates of the Arbitrator, by the two Governments in equal moieties.

Art. 7. — The present convention shall be ratified by the President of the United States, by and with the advice and consent of the Senate thereof; by the Congress of Ecuador and by the President thereof; and the ratifications exchanged at Washington as soon as possible.

In faith whereof, the Plenipotentiaries have signed and sealed this Convention in duplicate, in the City of Quito, this twenty eighth day of February, in the year of our Lord one thousand eight hundred and ninety three.

Rowland Blennerhassett Mahany.
Honorato Vazquez.

57.

ITALIE, PÉROU.

Convention consulaire; signée à Lima le 25 février 1893.*)

Ministerio de Relaciones exteriores del Perù, Coleccion de Tratados No. III. Lima 1896.

Convenzione consolare fra il Perù e l'Italia.

Sua Eccellenza il Presidente della Repubblica del Perú e Sua Maestà il Re d'Italia, avendo riconosciuto la necessità di determinare in modo chiaro e preciso le attribuzioni, prerogative ed inmunità spettanti agli Ufficiali Consolari di ciascuno dei due Stati residenti sul territorio dell'altro, hanno risoluto di concludere una Convenzione Consolare e nominato á questo effetto per loro plenipotenziari.

Sua Eccellenza il Presidente della Repubblica del Perú il Signor Dott. D. Ramón Ribeyro, Ministro degli Affari Esteri;

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*) Les ratifications ont été échangées à Lima le 11 juin 1896.

Sua Maestà il Re d'Italia, il Signor Giulio M. Lecca Incaricato d'Affari in Lima;

I quali, dopo essersi comunicati i respettivi loro Pieni Poteri, che furono trovatti in buona y debita forma, hanno convenuto negli articoli seguenti:

Art. 1º. — Ciascuna delle Alte Pari contraenti potrà stabilire Consoli Generali, Consoli, Vice-Consoli ed Agenti Consolari nei porti, città e luoghi del territorio dell'altra, salvo, á questa il diritto di eccettuare le localitá che essa giudichi conveniente. Non potrà, tuttavia, applicarsi questa riserva a una delle Alte parti contraenti, senza che si applichi ugualmente á tutte le altre nazioni.

Art. 2º. — I detti Agenti saranno reciprocamente ammessi e riconosciuti in seguito alla presentazione della patente secondo le regole e formalità stabilite nei rispettivi Stati. L'exequatur richiesto pel libero esercizio delle loro funzioni sará loro rilasciato gratis, e sulla presentazione dell detto exequatur l'Autorità competente del luogo di loro residenza prenderà inmediatamente le misure necessarie perchè possano adempiere ai doveri del loro ufficio, e perchè siano ammessi al godimento delle rispettive esenzioni, prerogative, inmunità, onori e privilegi.

Ciascuna delle Alte Parti contraenti si riserva il diritto di revocare l'exequatur a qualunque dei detti Agenti, qualora lo giudichi conveniente. Esse peró convengono che in quest'ultimo caso si manifesteranno i motivi di siffatta misura.

Art. 3º. — Gli Agenti diplomatici od i Consoli Generali e Consoli che ne abbiano la facoltà a norma della legislazione della nazione rispettiva, potranno nominare Vice-Consoli o Agenti Consolari nelle città, porti o luoghi dei loro rispettivi distretti, salvo sempre l'exequatur del Governo territoriale.

Questi Agenti potranno esse scelti indifferentemente fra i cittadini delle due nazioni o fra stranieri. Essi saranno muniti d'una patente rilasciata dall'Agente Diplomatico o dal Console che li nominal e sotto i cui ordini avranno da esercitare le loro funzioni, e godranno, sotto le medesime condizioni dei privilegi stipulati nella presente convenzione a favore degli Agenti Consolari nomisati dai rispettivi Governi.

Art. 4º. — Nei casi d'impedimento, assenza o morte dei Consoli Generali, Consoli, Vice-Consoli ed Agenti Consolari, gli Adetti Consolari, Cancellieri e Segretari, che fossero già stati presentati come tali alle Autorità rispettive, saranno ammessi di pieno diritto, secondo il loro ordini gerarchico, ad esercitare interinalmente le funzioni consolari. Le Autorità locali dovranno loro assistenza e protezione e li ammetteranno a godere durante la loro gestione interinale di tutte le esenzioni, prerogative, inmunità e privilegi stipulati nella presente convenzione a favore degli Agenti Consolari, titolari, sotto le condizioni e riserve pei medesimi prescritte.

Morendo un Agente Consolare senza che lasci un sostituto od altro incaricato dell'archivio, la competente autoritá locale apporrà i siglli alle carte, libri e documenti del Consolato ma si asterrà dal leggere od esaminare le note o gli appunti.

Questa operazione si fará in presenza di due cittadini dello Stato dal quale fu nominato l'Agente Consolare, e, in defetto, di due sudditi scelti fra i notabili del luogo, dandosi ove sia possibile; la preferenza ai Consoli d'altra potenza amica.

All'atto della consegna dell'archivio al nuovo impiegato consolare si toglieranno i sigilli in presenza delle suaccennate persone, se ancora sono in paese.

Art. 5⁰. — I Consoli Generali, Consoli, Vice-Consoli ed Agente Consolari potranno collocare sopra la porta esterna del Consolato lo scudo con lo stemma della loro nazione, con questa iscrizione: "Consolato o Vice-Consolato o Agenzia Consolare della Repubblica del Perú o di S. M. il Re d'Italia."

Potranno del pari innalzare la bandiera della propria nazione sulla casa consolare nei giorni di pubbliche solennità, religiose o nazionali, e nelle altre occasioni in cui vi fosse l'uso di farlo.

Resta tuttavia bene intesoche questi segni esteriori non potranno essere interpretati come costituenti un diritto di asilo, ma serviranno unicamente a designare ai marinai ed ai nazionali l'abitazione consolare.

Avranno pure il diritto di spiegare la loro rispettiva bandiera nazionale sul battello di cui si servono nel desimpegno delle loro funzioni nei porti compresi nella loro giurisdizione.

Art. 6⁰. — Le autoritá territoriale non potranno in nessun caso e sotto nessun pretesto esaminare o sequestrare l'insieme delle carte di Cancellería e gli altri documenti attinenti al servizio che si trovino negli archivi consolari, i quali, ugualmente che il locale ad essi destinato, sono inviolabili.

I Consoli, Vice-Consoli, o Agenti Consolari non potranno porre nei suddetti archivi nessun documento o oggetto estraneo al servizio, dovendo il locale a quelli destinato, essere completamente separato dalla abitazione particolare del Console e non servire ad altri usi.

Art. 7⁰. — Quando i Consoli Generali, Consoli, Agenti Consolari e Cancellieri inviati dal proprio Governo debbano deporre quali testimoni davanti ai Giudici di prima Instanza, ne riceveranno invito da questi con la indicazione del giorno e dell'ora, senza che essi possano rifiutarsi di fare le richieste deposizioni.

I suddetti giudici si recheranno personalmente al domicilio dei Consoli Generali, i quali potranno, se lo preferiscono, inviare le loro dichiarazioni per iscritto.

In quanto alle deposizioni degli agenti di grado inferiore, i Giudici li riceveranno nella sala di udienza assegnando loro un seggio distinto.

Tutti i funzionari consolari, senza eccezione, deporranno nelle sale d'udienza dei Tribunali Superiori sempre peró previo invito e dandosi loro un posto distinto.

Art. 8⁰. — I Consoli Generali, Consoli, Vice-Consoli ed Agenti Consolari saranno esenti dall'arresto preventivo fuorché nel caso di reati che portino la pena dell'interdizione perpetua dai pubblici uffici o della limitazione della libertà pre un tempo superiore ai tre anni.

Art. 9⁰. — I Consoli Generali, Consoli, Vice-Consoli ed Agenti

Consolari, sudditi dello Stato che li ha nominati, godranno della esenzione dell'alloggio militare e da qualsiasi carica o servizio pubblico, sì di carattere municipale che di altra specie.

Saranno egualmente esenti da contribuzioni militari, e dalle contribuzioni dirette imposte dallo Stato, dalle Provincie e dai Comuni, e delle quali la percezione si faccia su ruoli nominativi, ammeno ché esse vengano imposte per ragione di posesso di beni immobili situati, ovvero sugli interessi di capitali impiegati nello Stato in cui i detti Agenti esercitano le loro funzioni.

Questa esenzione non potrà tuttavia applicarsi ai Consoli Generali, Consoli, Vice-Consoli o Agenti Consolari che esercitassero una professione, una industria od un commercio qualunque, dovendo essi in tal caso andare soggeti al pagamento delle tasse dovute da ogni altro straniero nelle medesime condizioni.

Art. 10⁰. — I Consoli Generali, Consoli, Vice-Consoli e Agenti Consolari, potranno indirizzarsi alle autoritá del loro distretto per reclamare contro qualunque infrazione dei Trattati o Convenzioni esistenti fra i due paesi, e contro qualsiasi abuso di cui potessero lagnarsi i loro connazionali.

Se le loro rimostranze non fossero accolte dalle Autoritá del distretto, o se la risoluzione presa da queste non sembrasse loro soddisfacente, potranno anche ricorrere, in mancanza di Agente Diplomatico del loro paese, al Governo dello Stato in cui risiedono.

Art. 11. — I Consoli Generali, Consoli, Vice-Consoli e Agenti Consolari potranno inviare un delegato o recarsi a bordo dei bastimenti della loro nazione, che siano ammessi a libera pratica, interrogare i capitani e marinai, esaminare le carte di bordo, ricevere le dichiarazioni relative al viaggio ed ai suoi incidenti, redigere i manifesti e agevolare la spedizione dei bastimenti medesimi.

Potranno anche accompagnare i capitani ed individui dell'equipaggio davanti ai tribunali ed uffici amministrativi della circoscrizione nella quale risiedono, per servir loro di ausiliari ed interpreti negli affari di cui abbiano ad occuparsi e nelle domande che abbiano a presentare.

Le autorità locali delle due Parti contraenti non potranno recarsi a bordo (all'infuori delle visite ordinarie di dogana) delle navi mercantili dell'altra Parte per operarvi investigazioni e altri atti, senza averne datto previo avviso al funzionario consolare rispettivo, affinchè possa assistere alla visita se lo crede opportuno intendendosi che l'obligo dell'avviso non dà facoltà al suddetto funzionario consolare di inceppare o di opporsi all' azione della autorità.

Parimenti dovranno dare opportuno avviso ai detti Ufficiali consolari perchè si trovino presenti alle dichiarazioni che i capitani e gli equipaggi avessero a fare innanzi ai tribunali od uffici locali, affine di evitare qualunque malinteso che potesse pregiudicare la buona amministrazione della giustizia.

Nell'invito si indicherà il giorno e l'ora precisa, ed ove gli Ufficiali consolari omettano di assistervi in persona o di farsi rappresentare da un delegato, si procederà in loro assenza.

Art. 12. — I funzionari Consolari delle rispettive nazioni avranno il diritto in conformità delle leggi e regolamenti del loro paese:

1⁰. — Di ricevere, sia nel loro ufficio, sia nella casa ove abitano o a bordo dei bastimenti della loro nazione le dichiarazioni dei capitani, dei componenti gli equipaggi, dei passeggieri che si trovassero a bordo, dei commercianti o di qualsiasi altro cittadino del loro paese.

2⁰. — Di ricevere e rogare gli atti unilaterali, i testamenti e codicilli dei loro connazionali, e qualunque contratto stipulato fra questi e i cittadini o qualsiasi altro abitante del paese in cui risiedono. Se tali contratti però hanno per oggetto di costituire un diritto reale o altra specie di transazione sopra immobili situati nel paese ove risiede il Console, dovranno essere rogati nella forma e secondo le disposizioni speciali richieste nel luogo.

3⁰. — Di legalizzare i contratti fra qualsiasi abitante del paese ove risiedono, sempre che tali atti si referiscano esclusivamente ai beni situati o ad affari che debanno conchiudersi nel territorio della nazione cui appartiene il Console o Agente consolare dinanzi al quale vengono stesi.

Tutti gli atti sopra menzionati, e i certificati o attestazioni di questi atti, debitamente legalizzati dai detti Agenti e muniti del bollo ufficiale del Consolato, meriteranno fede e credito in giudizzio e fuori, ed avranno valore legale tanto nel Peru che in Italia, se sieno stati stesi conformemente alle leggi del paese a cui appartengono i Consoli, e se abbiano soddisfatto ai requisiti di bollo e registro ed alle altre condizioni volute nel paese in cui debbono avere effetto.

Avranno, parimente, forza e valore legale le traduzioni, estratti e legalizzazioni che gli Agenti consolari facciano di qualsiasi documento proveniente dai funzionari od Autorità dei loro rispettivi Stati.

Quando si dubiti dell'autenticitá di un documento pubblico registrato nella Cancelleria di uno dei consolati rispettivi, non se ne potrá rifiutare il confronto con l'atto originale alla persona interessata che ne facesse domanda, anzi questa potrà assisere alla collazione ove ciò stimi conveniente.

Art. 13. — In caso di decesso di un suddito di una delle Parti contraenti sul territorio dell'altra, le autorità locali dovranno darne avviso immediatamente all'uficiale consolare nella cui circoscrizione il decesso è avvenuto. Gli uficiali consolari a loro volta dovranno darne avviso alle autorità locali quando ne sieno stati informati pei primi.

Quando un italiano nel Perù o un peruviano in Italia muoia, sia con testamento o ab intestato, senza lasciare eredi legali nel paese, o se questi fossero minorenni, incapaci o assenti, e non vi fosse nel luogo alcun rappresentante legale della successione, i Consoli generali, Consoli Vice-Consoli e Agenti Consolari della nazione cui il defunto appartiene avranno il diritto di procedere successivamente alle seguenti operazioni:

1⁰. — Apporre i sigilli, sia d'ufficio, sia dietro domanda degli interessati, sopra tutti gli effetti, mobili e carte del defunto, previo avviso dato all'autorità locale competente, che potrà assistere all'operazione e apporre ugualmente i propri sigilli.

Questi sigilli, al pari di quelli dell'Agente consolare, non potranno

essere tolti senza che l'autorità locale assista all'operazione. Tuttavia se dopo l'invito di assistere alla levata dei doppi sigilli direttole dall'ufficiale consolare, l'autorità locale non si presentasse entro un termine di 48 ore à partire dalla ricevuta dell'avviso, l'ufficiale consolare potrà procedere da solo a tale operazione.

2°. — Formare l'inventario di tutti i beni ed effetti del defunto, in presenza del l'Autorità locale, se questa ha annuito all'invito di assistervi. L'Autorità locale apporrà la propria firma ai processi verbali compilati in sua presenza, senza che però essa possa esigere tassa di sorta per il suo intervento in questi atti.

3°. — Ordinare la vendita al pubblico incanto di tutti gli effeti mobili della successione che potessero deteriorarsi e di quelli di difficile conservazione, come pure dei raccolti e degli effetti dei quali si presentassero circostanze favorevoli.

4°. — Depositare in luogo sicuro gli effetti e valori inventariati; conservare l'ammontare dei crediti che si realizzerà ed il prodotto delle vendite che si percepiranno, nell'ufficio consolare, od affidarli a qualche commerciante che presenti tutte le garanzie. Questi depositi dovranno effettuarsi d'accordo coll'autorità locale che avrà assistito alle operazioni anteriori, se, in seguito alla convocazione di cui al paragrafo seguente, dei sudditi del paese o di un terzo Stato si presentassero como interessati nella successione ab intestato o testamentaria.

5°. — Annunciare il decesso e convocare, per mezzo della stampa locale e di quella del paese del defunto, i creditori che potessero esistere contro la successione, affinchè possano presentare i loro titoli rispettivi di credito, debitamente giustificati, nel termine fissato dalle leggi di ciascuno dei due paesi.

Se si presentassero dei creditori contro la successione, il pagamento dei loro crediti dovrá effettuarsi entro 15 giorni dalla chiusura dell'inventario, se vi fossero dei fondi da poterlo fare, e in caso contrario, non appena si possano realizzare i fondi occorrenti nei modi più opportuni, o infine, dentro un termine stabilito di comune accordo fra il Console e la maggioranza degli interessati. Se i Consoli rispettivi si rifiutassero al pagamento di tutti o di parte dei crediti, allegando l'insufficienza dei valori della successione, i creditori avranno il diritto di chiedere all'Autorità competente, la facoltà di costituirsi in unione.

Una volta ottenuta tale dichiarazione per le vie legali, l'ufficiale consolare dovrà immediatamente rimettere all'Autorità giudiziaria o ai sindaci del fallimento, tutti i documenti, effetti e valori appartenenti alla successione, restando incaricato di rappresentare gli eredi assenti, i minori e gli incapaci.

In ogni caso gli ufficiali consolari non potranno consegnare la successione o il suo prodotto agli eredi legittimi o ai loro mandatarii, se non trascorso un termine di sei mesi a partire dal giorno in cui l'avviso del decesso sarà stato pubblicato sui giornali.

Se la successione risultasse vacante, in forza della legge nazionale del defunto, sarà devoluta all'erario dello Stato nel quale avvenne il decesso.

6°. — Amministrare e liquidare essi stessi, o per mezzo di persona

da essi nominata, sotto la loro responsabilita, la successione testamentaria o ab intestato, senza che l'Autorità locale abbia ad intervenire in tali operazioni, a meno che dei sudditi del paese o di una terza Potenza abbiano a far valere dei diritti sulla successione; giacchè in questo caso, se sopravvenissero delle difficoltà, gli ufficiali consolari non avranno alcun diritto di risolvere, e la questione verrà rimessa ai tribunali locali. Gli ufficiali consolari agiranno allora come rappresentanti della successione. vale a dire che, conservando la gestione e il diritto di liquidare definitivamente la successione e di vendere gli effetti nelle forme precedentemente indicate, veglierano agli interessi degli eredi ed avranno ia facoltà di destgnarc avvocati incaricati di sostenere i diritti dinanzi ai tribunali. Naturalmente essi rimetteranno ai tribunali tutti i documenti atti a chiarire la controversia.

Pronunciata la sentenza gli ufficiali consolari dovranno eseguirla, se non ricorrono in appello, e continueranno allora di pieno diritto la liquidazione, che era stata sospesa sino alla composizione del litigio.

Art. 14. — Quando un peruviano in Italia od un italiano nel Perù venga a morire in un luogo ove non vi fosse Agente consolare della sua nazione, l'Autorità territoriale competente procederà, in conformità alla legislazione del paese, all'inventario degli effetti che avrà lasciato e sará tenuta a rendere conto, nel più breve termine possibile, del risultato di tale operazione alla Legazione competente, o al Consolato o Vice Consolato più vicino al luogo ove si sarà aperta la successione.

Ma dal momento in cui quest'Agente consolare si presenterà in persona od invierà sul luogo un delegato, l'Autorità locale dovrà uniformarsi a quanto prescrive l'articolo antecedente.

Art. 15. — Allorquando un suddito di una delle Parti contraenti si troverà interessato in una successione aperta sul territorio dell'altra Parte, sia di un connazionale, sia di un indigeno, sia di un suddito di una terza potenza, le Autorità locali dovranno informare dell'apertura della successione l'Autorità consolare più vicina.

Art. 16. — I Consoli generali, Consoli, Vice-Consoli ed Agenti consolari dei due Stati conosceranno esclusivamente degli atti d'inventario e delle altre operazioni practicate per la conservazione dei beni ereditari lasciati dai marinai della loro nazione, morti a terra od a bordo delle navi del loro paese, sia durante la traversata, sia nel porto di arrivo.

La presente disposizione serà pure applicabile ai beni ereditari lasciati dai passeggeri nazionali, semprechè siano morti a bordo della nave, ed anche a terra se durante il corso della navigazione.

Art. 17. — In tutto ciò che concerne la polizia dei porti, il caricamento e lo scaricamento delle navi e la sicurezza delle merci, beni ed effetti, si osserveranno le leggi e statuti e regolamenti del Paese.

I Consoli generali, Consoli, Vice-Consoli ed Agenti consolari saranno esclusivamente incaricati di mantenere l' ordine interno a bordo delle navi mercantili di loro nazione e conosceranno soli delle questioni che insorgano fra il capitano, gli ufficiali ed i marinai, relative al soldo ed all' adempimento degli accordi convenuti reciprocamente.

Art. 18. — Le Autorità locali interverrano ogni qualvolta a bordo

delle navi mercantili dell'altro Stato avvengano disordini di tal natura da turbare la tranquillità e l'ordine pubblico a terra o nel porto, o quando in tali disordini si trovi implicata qualche persona del paese o qualche individuo non appartenente all'equipaggio.

In tutti gli altri casi, le Autorità locali si limiteranno a prestare il loro appoggio agli Agenti consolari rispettivi che ne facciano richiesta, per fare arrestare o condurre a bordo ogni individuo iscritto nel ruolo dell' equipaggio, contro il quale essi giudicassero conveniente di domandare un simile provvedimento.

L'arresto non potrà prolungarsi al di là del tempo che sia consentito dalle disposizioni costituzionali o legali del paese dove ha luego.

Art. 19. — I Consoli generali, Consoli Vice-Consoli e Agenti consolari potranno far arrestare e rinviare, sia a bordo sia al loro paese, i marinai o qualsiasi altra persona che formi parte dell'equipaggio delle navi mercantili o da guerra delle loro nazioni, che avessero disertato nel territorio dell'altro Stato.

A quest' effetto, dovranno rivolgersi per iscritto all'Autorità locale competente e giustificare, mediante l'esibizione dei registri del bastimento e del ruolo dell'equipaggio, oppure, se il bastimento fosse già partito, mediante copia autentica o estratto di questi documenti, che le persone reclamate formavano effettivamente parte dell'equipaggio.

Sulla presentazione della richiesta, cosí giustificata, non si potrà negare la consegna dei disertori.

Si presterà in oltre ai detti Agenti consolari ogni genere di assistenza e cooperazione per la ricerca e l'arresto di questi disertori, che saranno condotti e custoditi nelle carceri del paese, a richiesta ed a spese del Console o Vice-Console, fino a tanto che se ne faccia il rimpatrio. In ogni caso, tale arresto non potrà durare più di tre mesi, trascorsi i quali, e mediante preavviso di tre giorni all'Agente consolare, l'arrestato sarà posto in libertà, nè potrà più per lo stesso motivo essere imprigionato.

Nel caso che il disertore avesse commesso qualche delitto a terra, l'Autorità locale ritarderà la consegna fino a che il tribunale pronunci la sentenza e questa abbia avuto piena ed intera esecuzione.

Le disposizioni del presente articolo non si applicano agli individui che siano cittadini del paese in cui ha luogo la diserzione.

Art. 20. — Quando tra i capitani ed armatori od assicuratori non esista accordo speciale circa le avarie che potessero toccare ai legni italiani o peruviani, sia in alto mare, sia dirigendosi a qualsiasi porto dei due Stati, i Consoli generali, Consoli, Vice-Consoli e Delegati od Agenti consolari conosceranno delle predette avarie, se interessano unicamente i loro respettivi nazionali.

Se fossero interessati in quelle avarie sudditi dello Stato in cui risiedono i funzionari consolari, e sudditi di una terza Potenza, conosceranno di esse le Autorità locali, tranne che tutte le parti si accordino e le regolino amichevolmente.

Art. 21. — In caso di naufragio o investimento di una nave appartenente al Governo o ai sudditi dell' una delle Alte Parti contraenti sulle coste dell'altra, le Autorità dovranno informarne il Console generale, Con-

sole, Vice-Console o Agente consolare del distretto, o, in sua mancanza, il Console generale, Console, Vice-Console ed Agente consolare più prossimo al luogo del sinistro.

Tutte le operazione relative al salvataggio delle navi di uno dei due Stati che avessero naufragato od investito nelle acque territoriali dell'altro Stato, saranno dirette dai Consoli generali, Consoli, Vice-Consoli o Agente consolari rispettivi, in conformità delle leggi e dei regolamenti del Paese.

L'intervento delle Autorità locali avrà luogo nei due paesi unicamente per assistere gli Agenti consolari e mantenere l'ordine e guarentire l'interesse dei ricuperatori estranei all'equipaggio e assicurare l'esecuzione delle disposizioni che debbono osservarsi per l'entrata e l'uscita delle merci salvate.

Nell'assenza, e fino all'arrivo dei Consoli generali, Consoli, Vice-Consoli e Agente consolari, oppure delle persone da loro a tal fine delegate le Autorità locali dovranno prendere tutti i provvedimenti necessari per la protezione degli individui e la conservazione degli effetti che si fossero salvati dal naufragio.

L'intervento delle Autorità locali in tutti questi casi non darà luogo a percezione di diritti di sorta, salvo quelli cui andrebbero soggetti in simili casi i bastimenti nazionali, e salvo il rimborso delle spese cagionate dalle operazioni di salvataggio e della conservazione degli oggetti salvati.

In caso di dubbio sulla nazionalità delle navi naufragate, i provvedimenti menzionati nel presente articolo saranno di esclusiva competenza dell' Autorità locale.

Le Alte Parti contraenti convengono, inoltre, che le mercanzie ed effetti salvati non saranno soggetti ad alcun pagamento di diritto di dogana, a meno che vengano ammessi al consumo interno.

Art. 22. — I Consoli generali, Consoli, Vice-Consoli, e Agenti consolari rispettivi, come pure i Cancellieri, Segretari e Addetti dei consolati, godranno in ambidue i Paesi delle prerogative, immunità e privilegi attualmente concessi o che si concederanno agli Agenti di ugual grado della nazione più favorita, semprechè tali concessioni siano reciproche.

Resta bene inteso che, fuori di questo, gli Ufficiali consolari non hanno in nessun caso prerogative diplomatiche.

Art. 23. — I due Governi contraenti convengono che le controversie le quali possono sorgere intorno alla interpretazione o alla esecuzione della presente Convenzione, o alle conseguenze di qualche sua violazione, debbano assoggetarsi, quando sieno esauriti i mezzi di comporle direttamente per amichevole accordo, alla decisione di Commissioni arbitrali, e che il risultato di simile arbitrato sarà obbligatorio per entrambi.

I componenti di tali Commissioni saranno scelti dai due Governi di commune consenso, in difetto di che, ognuna delle Parti nominerá il proprio arbitro o un numero eguale di arbitri, e gli arbitri nominati ne nomineranno un ultimo.

La procedura arbitrale sarà in ciascuno dei casi determinata dalle Parti contraenti, e, in difetto, il collegio stesso degli arbitri s'intenderà autorizzato a preliminarmente determinarla.

Art. 24. — Le stipulazioni della presente Convenzione comincieranno ad avere effetto dal giorno in cui se ne scambieranno le ratifiche.

Essa durerà dieci anni, che comincieranno a decorrere dalla data del detto scambio.

Se nessuna delle Alte Parti contraenti annunzierá ufficialmente all' altra, un anno prima che spiri il termine, l'intenzione di farne cessare gli effetti, essa continuerà ad avere vigore fino ad un anno dopo che sarà stata fatta simile dichiarazione, qualunque sia il tempo nel quale essa abbia luogo.

Art. 25. — La presente Convenzione sarà approvata e ratificata dalle Alte Parti contraenti e lo scambio delle ratifiche avrá luogo in Lima o in Roma.

In fede di che, i rispettivi Plenipotenziari l'hanno firmata e vi hanno apposto il loro sigillo, in Lima, addì venticinque febbraio 1893.

(L. S.) *R. Ribeyro.*
(L. S.) *G. M. Lecca.*

En la ciudad de Lima, capital de la República Peruano, á los once días del mes de junio de mil ochocientos noventa y seis, reunidos en el Despacho de Relaciones Exteriores, los infrascritos, doctor don Ricardo Ortiz de Zevallos, Ministro de dicho Ramo, y don Giulio M. Lecca, Encargado de Negocios de S. M. el Rey de Italia, con el objeto de proceder al canje de las ratificaciones de la Convención Consular celebrada, en Lima, entre ambos países el veinticinco de febrero de mil ochocientos noventa y tres, después de haberse manifestado sus plenos poderes correspondientes, procedieron á la lectura y confrontació de los instrumentos originales de dichas ratificaciones, y habiéndolos hallado exactos y en perfecta conformidad, realizaron su canje.

En fé de lo cual, los infrascritos han redactado la presente acta, firmándola por duplicado y poniéndo en ella sus correspondientes sellos.

(L. S.) *Ricardo Ortiz de Zevallos.*
(L. S.) *G. M. Lecca.*

58.

SUÈDE ET NORVÈGE, GRÈCE.

Déclaration destinée à modifier l'article 2 du Traité de Commerce et de Navigation conclu à Athènes le 15/27 oct. 1852, pour ce qui concerne le traitement réciproque des commis-voyageurs; signée à Vienne le 2 mars/18 février 1893.*)

Svensk Författnings-Samling 1894, No. 15.

La modification ci-après de l'article 2 du Traité de Commerce et de Navigation, conclu à Athènes le 15/27 Octobre 1852 entre les Royaumes

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*) Les ratifications ont été échangées le 22 mars 1894.

Unis de Suède et de Norvège et le Royaume Hellénique, ayant été reconnue utile par leurs Gouvernements respectifs, les soussignés, dûment autorisés, sont convenus de ce qui suit:

A la fin de l'article 2 du Traité de Commerce et de Navigation entre les Royaumes-Unis de Suède et de Norvège et le Royaume Helléniqne du 15/27 Octobre 1852 est ajouté l'alinéa suivant:

„Les commis-voyageurs suédois et norvégiens en Grèce et, réciproquement, les commis-voyageurs hellènes en Suède ou en Norvège jouiront, sous le rapport des impôts, du traitement de la nation la plus favorisée."

La présente déclaration aura la même force et durée que le Traité de Commerce et de Navigation du 15/27 Octobre 1852, auquel elle se rattache.

La présente déclaration sera ratifiée, et les ratifications en seront échangées à Vienne le plus tôt possible.

En foi de quoi les soussignés l'ont signée et y ont apposé leurs cachets.

Fait à Vienne, en double expédition, le $\frac{\text{18 Février}}{\text{2 mars}}$ 1893 (mil huit cent quatre vingt treize).

(L. S.) *G. Lewenhaupt.*
(L. S.) *G. Manos.*

59.

PAYS-BAS, LUXEMBOURG.

Convention concernant l'extradition des malfaiteurs; signée à Bruxelles le 10 mars 1893.*)

Staatsblad van het Koningrijk der Nederlanden, 1893 No. 86.

Sa Majesté la Reine des Pays-Bas et en Son nom Sa Majesté la Reine Régente du Royaume des Pays-Bas, et Son Altesse Royale le Grand-Duc de Luxembourg, ayant résolu d'un commun accord de conclure une nouvelle convention pour l'extradition des malfaiteurs; ont nommé à cet effet pour leur plénipotentiaires, savoir:

Sa Majesté la Reine Régente du Royaume des Pays-Bas, le baron Gericke de Herwijnen, Grand-Croix des ordres du Lion Néerlandais et de la Couronne de Chêne de Luxembourg, chevalier de 1re classe de l'ordre du Lion d'Or de la Maison de Nassau etc., etc., Envoyé extraordinaire et Ministre plénipotentiaire de Sa Majesté la Reine des Pays-Bas à Bruxelles, Son Altesse Royale le Grand-Duc de Luxembourg, le comte de Marchant d'Ansembourg, commandeur de l'ordre d'Adolphe de Nassau et de l'ordre du Lion de Zaehringen etc., etc., etc., Son chargé d'affaires à Bruxelles; lesquelles après s'être communiqué les pleins pouvoirs, trouvés en bonne et due forme, sont convenus des articles suivants:

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*) Ratifications échangées à Bruxelles le 24 mai 1893.

Art. 1. — Le Gouvernement des Pays-Bas et le Gouvernement du Grand-Duché de Luxembourg s'engagent à se livrer réciproquement, suivant les règles déterminées par les articles suivants, à l'exception de leurs nationaux, les individus condamnés ou prévenus à raison d'un des faits ci-après énumérés, commis hors du territoire de l'Etat auquel l'extradition est demandée:

1°. *a.* attentat contre la vie ou la liberté du Roi, de la Reine régnante, du Grand-Duc, du Régent ou d'un autre Chef d'un Etat ami, ou entrepris dans le dessein de les rendre incapables de régner;

b. attentat contre la vie ou la liberté de la Reine non régnante, de l'heritier présomtif du Trône ou d'un membre de la Famille Souveraine:

2°. meurtre ou assassinat, meurtre ou assassinat commis sur un enfant;

3°. menaces, faites par écrit et sous une condition déterminée, pour autant que les lois des deux pays permettent l'extradition de ce chef;

4°. avortement, procuré par la femme enceinte ou par d'autres;

5°. sévices, ayant occasionné une grave lésion corporelle ou la mort, sévices commis avec préméditation ou sévices graves;

6°. viol; attent at à la pudeur; le fait d'avoir, en dehors du mariage, un commerce charnel avec une fille ou une femme au dessous de l'âge de seize ans, ou avec une femme au dessus de cet âge, lorsque le coupable sait qu'elle est évanouie ou sans connaissance; actes d'immoralité, lorsque le coupable sait que la personne avec laquelle il les commet, est évanouie ou sans connaissance, ou lorsque cette personne n'a pas atteint l'âge de seize ans; excitation d'une personne au dessous de cet âge à commettre ou à subir des actes d'immoralité ou à avoir, en dehors du mariage, un commerce charnel avec un tiers si ces infractions sont punissables d'après les lois des deux pays;

7°. excitation de mineurs à la débauche et toute acte ayant pour objet de favoriser la débauche de mineurs, punissable d'après les lois des deux pays;

8°. bigamie;

9°. enlèvement, recel, suppression, substitution ou supposition d'un enfant;

10°. enlèvement de mineurs;

11°. contrefaçon ou altération de monnaies ou de papier-monnaie, entreprise dans le dessein d'émettre ou de faire émettre ces monnaies ou ce papier-monnaie comme non-contrefaits et non-altérés, ou mise en circulation de monnaies ou de papier-monnaie contrefaits ou altérés, lorsqu'elle a lieu à dessein;

12°. contrefaçon ou falsification de timbres et de marques de l'Etat ou de marques d'ouvrier exigées par la loi, pour autant que les lois des deux pays permettent l'extradition de ce chef;

13°. faux en écriture et usage fait à dessein de l'écriture fausse ou falsifiée, pour autant que les lois des deux pays permettent l'extradition de ce chef: la détention ou l'introduction de l'étranger de billets d'une banque de circulation fondée en vertu de dispositions légales, dans le dessein de les mettre en circulation comme n'étant ni faux ni falsifiés, lorsque l'auteur savait au moment où il les a reçus, qu'ils étaient faux ou falsifiés;

14°. faux serment y compris le faux témoignage et la surbornation de témoins;

15°. corruption de fonctionnaires publics, pour autant que les lois des pays permettent l'extradition de ce chef; concussion; détournement commis par des fonctionnaires ou par ceux qui sont considérés comme tels;

16°. incendie allumé à dessein, lorsqu'il peut en résulter un danger commun pour des biens ou un danger de mort pour autrui; incendie allumé dans le dessein de se procurer ou de procurer à un tiers un profit illégal au détriment de l'assureur ou du porteur légal d'un contrat à la grosse;

17°. destruction illégale commise à dessein d'un édifice appartenant en tout ou en partie à un autre ou d'un édifice ou d'une construction, lorsqu'il peut en résulter un danger commun pour des biens ou un danger de mort pour autrui;

18°. actes de violence commis en public, à forces réunies, contre des personnes ou des biens;

19°. le fait illégal commis à dessein de faire couler à fond, de faire échouer, de détruire, de rendre impropre à l'usage ou de détériorer un navire, lorsqu'il peut en résulter un danger pour autrui si ces faits sont punissables d'après les lois des deux pays;

20°. émeute et insubordination des passagers à bord d'un navire contre le capitaine et des gens de l'équipage contre leur supérieurs si ces faits sont punissables d'après les lois des deux pays;

21°. le fait commis à dessein d'avoir mis en péril un convoi sur un chemin de fer;

22°. vol;

23°. escroquerie;

24°. abus de blanc-seing;

25°. détournement, abus de confiance;

26°. banqueroute frauduleuse.

Sont comprises dans les qualifications précédentes la tentative et la complicité, lorsqu'elles sont punissables d'après la législation du pays auquel l'extradition est demandée.

Art. 2. — L'extradition n'aura pas lieu:

1°. lorsque le fait a été commis dans un pays tiers et que le Gouvernement de ce pays requiert l'extradition;

2°. lorsque la demande en sera motivée par le même fait, pour lequel l'individu réclamé à été jugé dans le pays auquel l'extradition est demandée et du chef duquel il y a été condamné, absous ou acquitté;

3°. si, d'après les lois du pays auquel l'extradition est demandée, la prescription de l'action ou de la peine est acquise avant l'arrestation de l'individu réclamé, ou, l'arrestation n'ayant pas en coreeu lieu, avant qu'il n'ait été cité devant le tribunal pour être entendu.

Art. 3. — L'extradition n'aura pas lieu aussi longtemps que l'individu réclamé est poursuivi pour le même fait dans le pays auquel l'extradition est demandée.

Art. 4. — Si l'individu réclamé est poursuivi ou subit une peine pour une autre infraction que celle qui a donné lieu à la demande d'extradition, son extradition ne sera accordée qu'après la fin de la poursuite dans le pays auquel l'extradition est demandée, et, en cas de condammnation, qu'après qu'il aura subi sa peine ou qu'il aura été gracié, Néanmoins, si d'après les

lois du pays qui demande l'extradition, la prescription de la poursuite pouvait résulter de ce délai, son extradition sera accordée, si des considérations spéciales ne s'y opposent, et sous l'obligation de renvoyer l'extradé aussitôt que la poursuite dans ce pays sera finie.

Art. 5. — L'individu extradé ne pourra être ni poursuivi ni puni, dans le pays auquel l'extradition a été accordée, pour un fait punissable quelconque non prévu par la présente convention et antérieur à son extradition, ni extradé à un Etat tiers sans le consentement de celui qui a accordé l'extradition, à moins qu'il n'ait eu la liberté de quitter de nouveau le pays susdit pendant un mois après avoir été jugé, et, en cas de condamnation, après avoir subi sa peine ou après avoir été gracié.

Il ne pourra pas non plus être poursuivi ni puni du chef d'un crime on d'un délit prévu par la convention, antérieur à l'extradition, sans le consentement du Gouvernement qui a livré l'extradé et qui pourra, s'il le juge convenable, exiger la production de l'un des documents mentionnés dans l'art. 7 de la présente convention. Toutefois, ce consentement ne sera pas nécessaire lorsque l'inculpé aura demandé spontanément à être jugé ou à subir sa peine ou lorsqu'il n'aura pas quitté, dans le délai fixé plus haut, le territoire du pays auquel il a été livré.

Art. 6. — Les dispositions du présent traité ne sont point applicables aux délits politiques. La personne qui a été extradée à raison de l'un des faits de droit commun mentionnés à l'art. 1, ne peut, par conséquent, en aucun cas, être poursuivie et punie dans l'Etat auquel l'extradition a été accordée, à raison d'un délit politique commis par elle avant l'extradition, ni à raison d'un fait connexe à un semblable délit politique, à moins qu'elle n'ait eu la liberté de quitter de nouveau le pays pendant un moins après avoir été jugée et, en cas de condamnation, après avoir subi sa peine ou après avoir été graciée.

Art. 7. — L'extradition sera demandée par la voie diplomatique et ne sera accordée que sur la production de l'original ou d'une expédition authentique, soit d'un jugement de condamnation, soit d'une ordonnance de mise en accusation ou de renvoi devant la justice répressive avec mandat d'arrêt, soit d'un mandat d'arrêt, délivré dans les formes prescrites par la législation de l'Etat qui fait la demande, et indiquant suffisamment le fait dont il s'agit, pour mettre l'Etat requis à même de juger s'il constitue, d'après sa législation, un cas prévu par la présente convention, ainsi que la disposition pénale qui lui est applicable.

Art. 8. — Les objets saisis en la possession de l'individu réclamé seront livrés à l'Etat requérant, si l'autorité compétente de l'Etat requis en a ordonné la remise.

Art. 9. — En attendant la demande d'extradition par la voie diplomatique, l'arrestation provisoire de l'individu, dont l'extradition peut être requise aux termes de la présente convention, pourra être demandée:

du côté des Bays-Bas par tout officier de justice ou tout juge d'instruction (juge commissaire);

du côté du Luxembourg:

par tout juge d'instruction ou tout procureur d'Etat.

L'arrestation provisoire est soumise aux formes et aux règles prescrites par la législation du pays auquel la demande est faite.

Art. 10. — L'étranger arrêté provisoirement, aux termes de l'article précédent, sera, à moins que son arrestation ne doive être maintenue pour un autre motif, mis en liberté, si dans le delai de vingt jours après la date du mandat d'arrestation provisoire, la demande d'extradition par la voie diplomatique, avec remise des documents par la présente convention, n'a pas été faite.

Art. 11. — Lorsque, dans la poursuite d'une affaire pénale non politique un des Gouvernements jugera nécessaire l'audition de témoins se trouvant dans l'autre Etat, une commission rogatoire sera envoyée à cet effet par la voie diplomatique, et il y sera donné suite, en observant les lois du pays, ou les témoins seront invités à comparaître. En cas d'urgence toutefois une commission rogatoire pourra être directement adressée par l'autorité judiciaire dans l'un des Etats à l'autorité judiciaire dans l'autre Etat.

Toute commission rogatoire, ayant pour but de demander une audition de témoins, devra être accompagnée d'une traduction française.

Art. 12. — Si dans une cause pénale non politique la comparution personnelle d'un témoin dans l'autre pays est nécessaire ou désirée, son Gouvernement l'engagera à se rendre à l'invitation qui lui sera faite, et en cas de consentement, il lui sera accordé des frais de voyage et de séjour, d'après les tarifs et règlements en vigueur dans le pays où l'audition devra avoir lieu, sauf le cas où le Gouvernement requérant estimera devoir allouer au témoin une plus forte indemnité.

Aucun témoin, quelle que soit sa nationalité, qui, cité dans l'un des deux pays, comparaîtra volontairement devant les juges de l'autre pays, ne pourra y être pousuivi ou détenu pour des faits ou codamnations criminels antérieurs, ni sous prétexte de complicité dans les faits objets du procès où il figurera comme témoin.

Art. 13. — Lorsque dans une cause pénale non politique la confrontation de criminels, détenus dans l'autre Etat, ou bien la communication de pièces de conviction ou de documents, qui se trouveraient entre les mains des autorités de l'autre pays, sera jugée utile ou nécessaire, la demande en sera faite par la voie diplomatique, et l'on y donnera suite à moins de considérations spéciales qui s'y opposent, et sous l'obligation de renvoyer les criminels et les pièces.

Art. 14. — Le transit, à travers le territoire de l'un des Etats contractants, d'un individu livré par une tierce puissance à l'autre partie et n'appartenant pas au pays du transit, sera accordé sur la simple production, en original ou en expéditiou authentique, de l'un des actes de procédure mentionnés à l'art. 7, pourvu que le fait servant de base à l'extradition soit compris dans la présente convention et ne rentre pas dans les prévisions des artt. 2 et 6, et que le transport ait lieu, quant à l'escorte, avec le concours de fonctionnaires du pays qui a autorisé le transit sur son territoire.

Les frais du transit seront à la charge de l'Etat requérant.

Art. 15. — Les Gouvernements respectifs renoncent de part et d'autre à toute réclamation pour la restitution des frais d'entretien, de transport

et autres, qui pourrait résulter, dans les limites de leurs territoires respectifs, de l'extradition des prévenus, accusés on condamnés, ainsi que de ceux résultant de l'exécution des commissions rogatoires, du transport et du renvoi des criminels à confronter, et de l'envoi et de la restitution des pièces de conviction ou des documents.

Art. 16. — La présente convention, laquelle n'est pas applicable aux colonies, ne sera, exécutoire qu'à dater du vingtième jour après sa promulgation dans les formes prescrites par les lois des deux pays.

A partir de sa mise à exécution la convention de 21 Juin 1877 cessera d'être en vigueur et sera remplacée par la présente convention, laquelle continuera à sortir ses effets jusqu'à six mois après déclaration contraire de la part de l'un des deux Gouvernements.

Elle sera ratifiée et les ratifications en seront échangés aussitôt que possible.

En foi de quoi les plénipotentiaires respectifs ont signé la présente convention et y ont appose le cachet de leur armes.

Fait en double expédition à Bruxelles, le 10 Mars 1893.

Comte D'Ansembourg.
L. Gericke.

60.

ITALIE, FRANCE.

Notes échangées relativement à la légalisation des pièces portant la signature des agents consulaires; du 22 octobre 1892/21 mars 1893.

Trattati e Convenzioni fra il Regno d'Italia e gli altri Stati, Vol. XIII, Rome 1895.

Accordo fra l'Italia e la Francia per le legalizzazioni di atti pubblici.

Il Ministro degli affari esteri di Francia al regio ambasciatore d'Italia in Parigi.

Paris, le 22 octobre 1892.

Monsieur l'Ambassadeur,

Par une lettre en date du 4 du mois courant, Vous m'avez exprimé le désir de savoir si le Gouvernement de la République serait disposé à remettre en vigueur l'accord intervenu en 1866 et d'après lequel les pièces portant la signature des agents consulaires d'Italie en France pouvaient être légalisées directement par le Président du tribunal de première instance de l'arrondissement, sans que ces pièces eussent été préalablement revêtues du visa de l'Ambassade et de celui de mon Département.

Je ne vois rien qui s'oppose à la reprise de la pratique établie par l'accord précité, qui n'a été ni expressément, ni tacitement, abrogé. Je m'empresserai donc, monsieur l'Ambassadeur, de transmettre aux greffes des

tribunaux de première instance les types des signatures d'agents consulaires que Vous voudrez bien me faire parvenir; je ne doute point, d'ailleurs, que les pièces délivrées par les autorités consulaires italiennes ne soient légalisées sans difficulté par les magistrats français chargés du service des légalisations, lorsque ces pièces porteront une signature dont le type aura été préalablement déposé au greffe du tribunal de première instance, dans les conditions spécifiées dans les lettres que l'un de mes prédécesseurs a écrites à M. le chev. Nigra, à la date des 28 août 1865 et 17 mai 1866.

Agréez, etc.

Ribot.

Il regio Ambasciatore d'Italia in Parigi al Ministro degli affari esteri di Francia.

Paris, ce 21 mars 1893.

Monsieur le Ministre,

Par une lettre en date du 22 octobre dernier, Son Excellence M. Ribot a bien voulu me faire connaître qu'aucune difficulté ne s'opposait à la reprise de l'accord intervenu en 1866 et d'après lequel les pièces portant la signature des agents consulaires du Roi, en France, pouvaient être legalisées directement par le Président du tribunal de première instance de l'arrondissement où ils résident, sans que ces pièces eussent été préalablement revêtues du visa de l'Ambassade royale et de celui du Ministère des affaires étrangères de la République.

Le Gouvernement du Roi, à qui je me suis empressé de communiquer le contenu de la lettre précitée, vient de me charger d'exprimer à Votre Excellence sa satisfaction pour cette utile mesure, en s'engageant de son côté à accorder pour la légalisation des pièces émanant des agents consulaires français en Italie les mêmes facilités que le Gouvernement de la République a consenti à adopter à l'égard des pièces qui portent la signature de nos agents.

Dès lors j'aurai l'honneur d'adresser à Votre Excellence, le plus tôt possible, en double exemplaire, les types des signatures des consuls généraux, consuls, vice-consuls et agents consulaires du Roi en France, qui doivent, comme autrefois, être déposées, tant aux greffes des tribunaux de première instance de leurs résidences respectives, que dans les archives de votre Département.

L'Ambassade royale aura soin, à chaque mutation dans le personnel consulaire du Roi en France, de faire parvenir au Ministère des affaires étrangères de la République, en même temps que la demande d'exequatur, un double exemplaire du type de la signature des nouveaux agents.

Veuillez agréer, etc.

Ressman.

61.

ALLEMAGNE, AUTRICHE-HONGRIE, BAVIÈRE, BELGIQUE, BULGARIE, DANEMARK, ÉGYPTE, ESPAGNE, ÉTATS-UNIS D'AMÉRIQUE, FRANCE, GRÈCE, HESSE, ITALIE, PAYS-BAS, PORTUGAL, ROUMANIE, SAXE, SAXE-COBURG-GOTHA, SERBIE, SUÈDE ET NORVÈGE, SUISSE, WÜRTTEMBERG.

Correspondances et Rapports des Représentants anglais visant les lois sur les indemnités parlementaires, frais de voyage ou libres parcours sur les chemins de fer des Membres des Législatures dans les pays de leur résidence; du 15 mars au 2 mai 1893.

Parliamentary papers presented to both Houses of Commons by Command of Her Majesty, in pursuance of their Address dated March 1, 1893. [C. 6975.]

Reports from Her Majesty's Diplomatic Representatives abroad respecting the Payment of Members of the Legislature in Europe, United States of America, and Egypt.

Return to an Address of the Honourable the House of Commons, dated March 1, 1893; for—

"A Return showing, with respect to the Colonies of Great Britain, the United States of America, and the Countries of Europe, whether Payment of Members of the Legislature obtains, the amounts or scale of such Payment, and whether it includes, or whether there is in addition thereto, any allowance for travelling expenses, or the privilege of free passes on the Railways of those Countries."

Circular addressed to certain of Her Majesty's Representatives abroad.

My Lord,
Sir,

Foreign Office, March 15, 1893.

In conformity with an Address of the House of Commons, I have to request you to furnish me with a Return, for presentation to Parliament, showing, with respect to the country in which you reside, whether payment of Members of the Legislature obtains, and, if so, the amounts or scale of such payment, and whether it includes, or whether there is in addition thereto, any allowance for travelling expenses, or the privilege of free passes on the railways of that country.

I am, &c.
(Signed) *Rosebery.*

Replies to preceding Circular.

Austria-Hungary.

No. 1.

Sir A. Paget to the Earl of Rosebery.—(Received March 27.)

My Lord, Vienna, March 25, 1893.

In answer to your Lordship's Circular despatch of the 15th instant, I have the honour to state that in Austria Members of the Lower House of the Legislature are paid at the rate of 10 florins (about 16*s.* 8*d.*) for every day's attendance during the Session. The y receive, in addition, an indemnity for travelling expenses calculated in proportion to the distance of their homes from the seat of the Legislature.

I have, &c.

(Signed) *A. Paget.*

No. 2.

Mr. Milbanke to the Earl of Rosebery.—(Received April 4.)

Sir, Budapest, March 30, 1893.

With reference to the Earl of Rosebery's Circular despatch of the 15th instant, I have the honour to report to your Excellency that, according to a Law just passed by the Hungarian Parliament, Members of the Lower House will now receive a fixed salary at the rate of 2,400 florins (200*l.*) a-year, together with an allowance for house-rent amounting to 800 florins (66*l.* 13*s.*), making a total of 266*l.* 13*s.*

The Law in question contains no provision for any further allowances, but the Minister of Commerce, in his capacity as Head of the Administration of State Railways, accords to Members the privilege of taking season tickets at a moderate rate (which are not issued to the general public on the State lines) for their journeys to and fro between the capital, their homes, and the districts they represent in Parliament. He, moreover, furnishes Deputies with certificates enabling them to travel over all the State lines in Hungary in one class higher than the ticket they pay for.

I have, &c.

(Signed) *Ralph Milbanke.*

Bavaria and Würtemberg.

No. 3.

Mr. Drummond to the Earl of Rosebery.—(Received March 31.)

My Lord, Munich, March 28, 1893.

In accordance with the instructions contained in your Lordship's Circular despatch of the 15th instant, I have the honour to transmit herewith inclosed a Return showing the amount of payment to Bavarian Deputies, and their right to free passage over the State railways and allowance for travelling expenses. I shall have the honour to furnish your

Lordship also with a similar Return on the payment of Deputies in Würtemberg immediately after I receive an answer to the request I have made for information there-upon.

I have, &c.
(Signed) *Victor Drummond.*

Inclosure in No. 3.

Article 36 of the Law of March 21, 1881, concerning the Election of Deputies to the Bavarian Parliament.

(Translation.)

Deputies have the right of free passage over the railways administered by the Bavarian State, in accordance with Regulations laid down by Ministerial Order, during each Session of Parliament and the eight days preceding and following it; and also receive at the beginning and end of each such Session an allowance for travelling expenses of 50 pfennigs per kilometre for their journeys between the place of meeting of Parliament and their place of residence on all railways other than State railways, and on which arrangements for free transit cannot be made.

Every Deputy who does not actually live at the place of meeting of Parliament receives during the Session, including one day before and one day after such Session, a daily allowance of 10 marks.

Note. — By Decree, the above allowance has been suspended during the periods during which Deputies have leave of absence from the Sessions of Parliament.

No. 4.

Mr. Helyar to the Earl of Rosebery.—(Received April 14.)

My Lord, Munich, April 10, 1893.

With reference to Mr. Drummond's despatch of the 28th ultimo, I have the honour to transmit herewith to your Lordship a translation of a note, dated the 29th ultimo, but which reached Munich yesterday evening, from Baron von König, Acting Würtemberg Minister for Foreign Affairs, stating the legal Regulations in force for the payment of Members of the Würtemberg Parliament, and for their free journeys by rail.

I have, &c.
(Signed) *H. A. Helyar.*

Inclosure in No. 4.

Baron von König to Mr. Drummond.

(Translation.) Ministry for Foreign Affairs, Stuttgardt,
Sir, March 29, 1893.

In reply to your note of the 21st instant concerning the payment of Members of the Würtemberg Legislature, I have the honour to convey to you the following information: —

The Members of the Legislature receive daily pay and journey money, but the Members of the Upper House (i.e., the hereditary Members and

those of the nonhereditary Members who live out of Stuttgardt) only receive them on application (Law of the 20th June, 1821).

The daily pay consists of 9 m. 43 pf., which represents in current coin the value of the former ducat.

Members absent, with or without leave, receive no pay, but those absent on account of illness receive pay.

The Law of the 20th March, 1886, has regulated the payment of proxies by Government officials who are at the same time to be elected Deputies, either of the Knightly Order, or of the cities, or of the districts. Such officials (in the sense of Article 1 of the Law respecting officials of the 28th June, 1876) receive only 7 marks out of the regular daily pay of 9 m. 43 pf., while the remaining 2 m. 43 pf. is reserved to meet the expenses of the proxy while acting as such.

The indemnity for travelling expenses, so far as railways extend, is twice the amount of a second-class ticket, and where only diligences exist it is the double of one seat in a diligence, and for all other districts it is 1 m. 71 pf. per "poststunde," i.e., one hour's posting as usually computed. (See the Law of the 31st July, 1849, and Royal Decree of the 2nd July, 1848.) Members not residing in Stuttgardt can, at their option, receive, in place of this indemnity, in districts where the State railways run, free passes between their place of residence and Stuttgardt (to and fro) in any class they choose during the sittings of the Legislature to which they are elected, and of the Committees and Commissions, and also for two days before and subsequent to the Session or sittings of the Committees and Commissions. (See the decision of the Ministry for Foreign Affairs of the 14th January, 1876.)

The daily payment during the journey is measured by the time required to perform such journey; one full day reckoned at twenty-four hours.

The Presidents of the two Chambers receive indemnifications as Members of the Legislative Committee, which are paid during the Sessions of the Legislature: the President of the Upper House, including house-rent, receives 12,857 marks; the President of the Lower House, including house-rent, 8,571 marks; also the other Members of the Legislative Committee who have to be present in Stuttgardt, each 3,085 m. 68 pf. These latter (four) Members of the Legislative Committee do not receive this indemnity during the sittings of the Legislature, but receive, on the other hand, during that period, the before-mentioned daily payment. (Law of the 20th June, 1821, paragraph 1, sections 3 and 4, and paragraph 2.)

I avail, &c.

(Signed) *v. König,*
Acting Minister for Foreign Affairs.

Belgium.

No. 5.

Sir E. Monson to the Earl of Rosebery.—(Received March 27.)

My Lord, Brussels, March 25, 1893.

With reference to your Lordship's Circular despatch of the 15th instant, I have the honour to inclose copy of a note which I received yesterday from the Count de Mérode Westerloo, transmitting copies of Article 52 of the Belgian Constitution, and of the Law of the 20th October, 1831, as to the payment of Deputies.

His Excellency adds that the Members of the Legislature are not entitled, as such, to travelling expenses nor to free railway passes.

I have, &c.
(Signed) *Edmund Monson.*

Inclosure 1 in No. 5.

Count de Mérode to Sir E. Monson.

Ministère des Affaires Étrangères, Bruxelles,
M. le Ministre, le 24 Mars, 1893.

J'ai l'honneur de faire savoir à votre Excellence, en réponse à sa lettre du 16 de ce mois, que l'indemnité Parlementaire est déterminée en Belgique par l'Article 52 de la Constitution, et par la Loi du 20 Octobre 1831.

Votre Excellence trouvera sous ce pli copie des dites dispositions.

Les Membres de la Législature n'ont droit ni à des frais de voyage, ni à des libres parcours sur les chemins de fer.

Veuillez, &c.
(Pour le Ministre),
Le Secrétaire-Général,
(Signé) Baron *Lambermont.*

Inclosure 2 in No. 5.

Article 52 of the Belgian Constitution.

Chaque Membre de la Chambre des Représentants jouit d'une indemnité mensuelle de 200 florins pendant toute la durée de la Session.

Ceux qui habitent la ville où se tient la Session ne jouissent d'aucune indemnité.

Inclosure 3 in No. 5.

Belgian Law of October 20, 1831.

Article Unique. — L'indemnité mensuelle fixée par l'Article 52 de la Constitution commence à courir:—

(a). Pour les Députés élus avant la Session, à dater du jour de l'ouverture des Chambres, s'ils prêtent serment dans les huit jours qui suivent la vérification de leur pouvoirs.

S'ils ne prêtent pas serment dans ce délai, l'indemnité ne court qu'à dater du jour de la prestation du serment.

(b.) Pour les Députés élus pendant la durée d'une Session, l'indemnité leur est due à dater de la prestation de leur serment.

Bulgaria.

No. 6.

Mr. Dering to Foreign Office.—(Received March 27.)

Sir, Sophia, March 22, 1893.

In compliance with the instructions contained in your Circular despatch of the 15th instant, I requested the President of the National Assembly to be good enough to inform me what, if any, were the emolument or allowances enjoyed by Deputies to the Sobranje in Bulgaria, and I have received the following information.

Each Deputy elected, with the exception of those elected for the Metropolis, receive 20 fr. (16 s.) per day for the period during which the Session lasts: Deputies elected for the Metropolis, or those who have their domicile in the Metropolis, or in any other city where the National Assembly may hold its Session, receive 15 fr. (12 *s.*) per day for the like period.

All Deputies not residing in the town in wich the Sobranje holds its Assembly receive an allowance sufficient to cover their journey to and from the place of their actual residence to the town in which the Assembly meets.

This allowance is calculated at the rate of 60 centimes (6 *d.*) per kilometre, or, in the event of the Deputy being able to attain his destination by rail or steam-boat, at the price of a first-class ticket. Deputies have no other privileges or allowances.

The President and Vice-Presidents of the Sobranje have, in addition to their pay as Deputies, and allowance for each Session, for "frais de représentation," or for entertainments and petty official expenses generally, amounting, for the President, to 3,000 fr. (120*l.*), and to 1,500 fr. (60*l.*) for each Vice-President.

In addition to this, the President has the right of travelling for the whole year, first class, gratis, on all lines belonging to the State, a free pass on all steamers, as well as the right of free communication by telegraph with all Government authorities, and with every Deputy on matters of public service.

I have, &c.

(Signed) *Henry Nevill Dering.*

Denmark.

No. 7.

Mr. Scott to the Earl of Rosebery.—(Received March 23.)

My Lord, Copenhagen, March 20, 1893.

In compliance with the instructions of your Lordship's Circular despatch of the 15th instant, I have the honour to report that the Members of both Chambers of the Danish Legislature (the Landsthing and the Folkething) receive, in virtue of Article 99 of the Electoral Law of the 12th July, 1867, each an indemnity of 3 rixdalers (6 *s.* 8 *d.*) per diem during the actual Session of Parliament, and each Member, on presenting

an account approved and attested by the President of the Chamber to which he belongs, is further reimbursed the amount of his actual travelling expenses to and from the capital.

Each Member of the Rigsdag is bound to receive this indemnity, and the only other allowance to which he is entitled is that of a free seat in the Royal Theatre.

I have, &c.
(Signed) *Charles S. Scott.*

Egypt.

No. 8.

Lord Cromer to the Earl of Rosebery.—(Received May 9.)

My Lord, Cairo, April, 25, 1893.

Referring to your Lordship's Circular despatch of the 15th ultimo, requesting to be furnished with a Return, for presentation to Parliament, showing, with respect to this country, whether payment of Members of the Legislature obtains, and, if so, the amounts or scale of such payment, I have the honour to state that I have received a note from Tigrane Pasha, copy of which is inclosed, giving details on this subject.

I have, &c.
(Signed) *Cromer.*

Inclosure in No. 8.

Tigrane Pasha to Lord Cromer.

Milord, Le Caire, le 24 April, 1893.

Dans sa dépêche du 24 Mars dernier, votre Seigneurie a bien voulu me demander de la mettre à même de faire savoir à sa Seigneurie le Comte de Rosebery, si les Membres des Corps Législatifs en Égypte reçoivent une allocation et touchent, en dehors, d'autres frais de déplacement, &c.

J'ai, en conséquence, l'honneur de porter à la connaissance de votre Seigneurie, les renseignements suivants que vient de me fournir mon collègue des Finances, au sujet du Conseil Législatif et de l'Assemblée Générale, seuls Corps Législatifs existant dans ce pays.

Le Conseil Législatif comprend deux catégories de Membres:—

1. Le Président, le Vice-Président, douze Membres permanents, nommés par le Gouvernement, et le Délégué de la ville du Caire. Tous résident dans cette ville et reçoivent une indemnité de £E. 90 par an pour frais de voiture.

2. Quinze Délégués nommés par les Gouvernorats *) et Moudiriehs.**) Il est alloué à chacun d'eux une indemnité de £E. 250 annuellement pour frais de séjour au Caire. En outre, ils reçoivent une somme fixe, représentant pour chacun le prix de son voyage, aller et retour, une fois par mois, du lieu de sa résidence au Caire.

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*) Provincial towns.
**) Provinces.

Ces allocations et frais de voyage, pour les deux catégories des Membres du Conseil Législatif, se montent par an à £E. 5,367, et figurent au Budget de l'État de 1893, sous Titre II, Conseil Législatif, Article 3, Indemnités.

En ce qui concerne les Membres de l'Assemblée Générale, ils n'ont droit à aucune allocation fixe. Seulement, lorsqu'ils sont convoqués, leurs frais de transport en chemin de fer leur sont remboursés, et ils touchent de plus une indemnité de séjour au Caire pour huit jours, à raison de £E. 1 par jour.

J'espère que ces renseignements seront de nature à satisfaire à la demande qui vous a été adressée par sa Seigneurie le Comte de Rosebery, et je me tiens entièrement à votre disposition pour toute information complémentaire.

Veuillez, &c.

(Signé) *Tigrane.*

France.

No. 9.

The Marquis of Dufferin to the Earl of Rosebery.—(Received April 24.)

My Lord, Paris, April 21, 1893.

In reply to your Lordship's Circular despatch of the 15th ultimo, I have the honour to transmit herewith a Memorandum, showing the payment and allowances made in France to Members of the Legislature.

I have, &c.

(Signed) *Dufferin and Ava.*

Inclosure in No. 9.

Memorandum.

The indemnity allotted to Senators and Deputies amounts to 9,000 fr. (360*l.*) per annum, from wich a sum of 5 fr. (4*s.*) a-month is deducted for refreshments ("pour la buvette").

The members of the two Assemblies travel gratis and first class on all State railway lines.

To the other lines they pay a monthly subscription of 10 fr. (8*s.*), which gives them a personal right to travel first class troughout the year on every line.

The Presidents of the two Chambers receive, independently of the above-mentioned indemnity, an additional sum of 72,000 fr. (2,840*l.*) a-year for expenses of entertainment ("pour frais de représentation"). They are also lodged in the "Palais de la Présidence."

The functions of the Vice-Presidents and of the Secretaries are purely honorary.

The Questors*) ("Questeurs"), of whom there are three in each Assembly receive, in addition to the normal indemnity, a salary of 9,000 fr. per annum, and are further supplied with a suite of rooms, together with the necessary staff of servants.

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*) These functionaries perform duties which in England are delegated to the Sergeant-at-Arms.

Germany.

No. 10.

Sir E. Malet to the Earl of Rosebery.—(Received March 20.)

My Lord, Berlin, March 17, 1893.

In reply to your Lordship's Circular despatch of the 15th instant, I have the honour to inclose a short Memorandum, showing the practice in Germany and Prussia in regard to the payment of Members of the Legislature.

I have, &c.

(Signed) *Edward B. Malet.*

Inclosure 1 in No. 10.

Memorandum.

The Members of the Reichstag—the Imperial Legislature—receive no payment; but they have the privilege of free passes on German railways.

Article 32 of the German Constitution, which deals with this point, reads as follows:—

"Members of the Reichstag are not permitted, as such, to receive any payment or compensation for their services."

Prussia.

Members of the Lower House of the Prussian Legislature ("Abgeordnetenhaus") receive a maintenance allowance ("Diäten or Tagegelder") of 15*s.* per day during the Session. Besides this, their travelling expenses are defrayed.

These travelling expenses, including cost of luggage, are calculated as follows:—

1. For journeys which can be made by railway or steam-ship, at the rate of 13 pfennigs ($1\frac{1}{2}$*d.*) per kilometre, with an addition of 3*s.* for each arrival and departure.

2. For journeys which cannot be performed by rail or steam-boat, at the rate of 60 pfennigs ($7\frac{1}{2}$*d.*) per kilometre.

The total amount of maintenance allowances and travelling expenses of Members of the Prussian House of Deputies is calculated in the Budget for 1893-94 at about 40,000*l.*

It is not open to Members of the "Abgeordnetenhaus" to refuse either of these privileges.

(See annexed Law of the 24th July, 1876.)

Members of the Upper House of the Prussian Legislature ("Herrenhaus") receive no payment, but are provided with free railway passes like the Members of the Reichstag.

Berlin, March 17, 1893.

Inclosure 2 in No. 10.

Law respecting the Travelling Expenses and Maintenance Allowance of Members of the House of Deputies, July 24, 1876.

(Translation.)

We, William, by the Grace of God, King of Prussia, &c., ordain, with the consent of both Houses of Parliament of the Monarchy, as follows:—

Only Article. — The Law of the 30th March, 1873, respecting the travelling expenses and maintenance allowance of Members of the House of Deputies shall be amended as follows:

Section 1. The travelling expenses and maintenance allowance due to Members of the House of Deputies shall be calculated according to the following scale:

1. Travelling expenses, including cost of luggage.

(1.) In journeys which can be made by railway or steam-ship, at the rate of 13 pfennigs per kilometre, with 3 marks for each arrival and departure.

(2.) In journeys which cannot be performed by rail or steam-boat, at the rate of 60 pfennigs per kilometre.

2. The maintenance allowance shall be at the rate of 15 marks per day.

Sect. 2. With regard to the calculation of travelling expenses, the Regulations in force respecting the travelling expenses of State officials shall apply.

Greece.

No. 11.

Mr. Egerton to the Earl of Rosebery.—(Received April 3.)

My Lord, Athens, March 28, 1893.

In answer to your Lordship's Circular despatch of the 15th instant, I have to state that the system of the payment of Members exists in Greece.

Article 75 of the Constitution is to the effect that Deputies who have exercised their functions will receive each ordinary Session 2,000 drachmas. In the case of an Extraordinary Session they will be, moreover, paid the cost of their journey to and from the capital.

Article 76 lays down that Deputies who receive civil or military pay will not receive more that the difference between that and the amount of the above remuneration.

Some years back, when the new drachma, nominally worth a franc, superseded the old drachma, the Deputies continued to be paid in the old drachma, of inferior value to the new.

Consequently, at present, the remuneration of the Greek Deputy amounts to 1,800 new drachmas, or francs, that is to say, 72*l* per Session.

In the case of an Extraordinary Session, the remuneration depends on its length—it is usually about 40*l*. It is never less than 20*l*., or more than 72*l*.

The Session must be formally closed to enable a fresh convocation of Members to be considered an Extraordinary Session.

This year, for instance, the Deputies have departed, and the year's Session is probably closed; but should they be called together again, their meeting would not constitute an Extraordinary Session.

There are absolutely no facilities granted for the travelling of the Members, such as free passes on the railways or steamers.

I have, &c.

(Signed) *Edwin H. Egerton.*

Grand Duchy of Hesse.

No. 12.

Mr. Buchanan to the Earl of Rosebery.—(Received April 4.)

My Lord, Darmstadt, April 1, 1893.

In accordance with the instructions conveyed to me in your Lordship's Circular despatch of the 15th ultimo, I have the honour to report that in the Grand Duchy of Hesse the Members of both Chambers, whose seats are not held by right of birth, and whose residence is not within a distance of 2 miles from the seat of the Legislature, receive during the Session a daily allowance of 9*s.* to meet the expenses of their residence in the capital and the cost of their journeys to and from it.

In the Grand Duchy of Baden, the daily allowance granted to Members of the two Chambers who do not hold their seats by hereditary right is 12*s.*, while the actual cost of their journeys to and from the capital on the occasion of the meeting or prorogation of Parliament is refunded to them.

I have, &c.

(Signed) *George W. Buchanan.*

Italy.

No. 13.

Lord Vivian to the Earl of Rosebery.—(Received March 23.)

My Lord, Rome, March 20, 1893.

In reply to your Lordship's Circular despatch of the 15th instant, I have the honour to report that neither Members of the Italian Senate nor of the Chamber of Deputies receive, as such, any salary, allowance, or indemnity in any form or shape, but that they have the privilege of travelling throughout Italy by rail or by steamer free of expense.

I have, &c.

(Signed) *Vivian.*

Netherlands.

No. 14.

Sir G. Bonham to the Earl of Rosebery.—(Received March 23.)

My Lord, The Hague, March 21, 1893.

In compliance with the instructions contained in your Lordship's Circular despatch of the 15th instant, I have the honour to transmit herewith a Return showing the practice in the Netherlands with regard to the payment of Members of the Legislature.

I have, &c.

(Signed) *G. F. Bonham.*

Inclosure in No. 14.

Memorandum.

The payment, or indemnity, as it is styled, of Members of the Second Chamber of the States-General in the Netherlands, was fixed by the Constitutional Law of 1848 at 2,000 florins (166*l.*) a-year. It is further

enacted in Article 89 of that Law that Members who become Ministers, or who have been absent during the entire Session, will not receive this indemnity, but it is the almost invariable rule for Members when appointed Ministers to resign their seat in the States-General.

The rules relating to the travelling expenses and the allowance during residence ("verblijfkosten") of Members of the First Chamber, and the travelling expenses of Members of the Second Chamber, were revised by a Law of 1889. According to the provisions of this Law, Members of the First Chamber receive, when summoned to attend the sittings of the First Chamber at the Hague (or wherever the sittings may be held) or to sit on Comittees, the expenses of the journey to the Hague from their place of residence in the country and back—consisting of a first-class fare by public conveyance and by the shortest route, with the necessary luggage, and for the use of special means of transport, if necessary. In order to satisfy legal requirements, a declaration has to be signed by the Member that the sum stated in the account agrees with the actual payments.

The allowance to Members of the First Chamber for attendance at meetings of the States-General during the Session and of Committees during a recess is 10 florins (16*s.* 8*d.*) a-day. This allowance is not paid to Members residing in the Hague.

Members of the Second Chamber receive travelling expenses on the same scale as Members of the First, but only once in each Session, *i. e.*, once a-year.

Members of either Chamber residing at the Hague do not receive travelling expenses.

The estimates for this year comprise the following sums:—

For the Second Chamber, consisting of 100 Members: travelling expenses, 1,000 florins (83*l.*) salary or indemnity, 200,000 florins (16,666*l.*).

For the First Chamber, consisting of 50 Members: allowance during residence ("verblijfkosten") and travelling expenses, 26,000 florins (2,166*l.*).

The small amount for travelling expenses may be accounted for by the fact that a large proportion of Members of both Chambers reside at the Hague.

The Hague, February 21, 1893.

Portugal.

No. 15.

Sir H. MacDonell to the Earl of Rosebery.—(Received April 11.)

My Lord, Lisbon, April 8, 1893.

In reply to your Lordship's Circular despatch of the 15th ultimo, I have the honour to state that, in virtue of a Royal Decree of the 15th September, 1892, a translation of which is herewith inclosed, the payment of Members of the Chamber of Deputies, with the exception of those elected for the Colonies, who only number thirteen, was discontinued.

Every Deputy, however, is entitled to a free passage by the railways belonging to the State, and in any Government vessels when coming to Lisbon or on their departure from Lisbon in connection with their Parliamentary duties.

The Decree also provides that the Municipalities of the various electoral districts may grant a subsidy—the amount of which is not to exceed 3$ 333 reis (14*s.* 10*d.*) per diem, as fixed in the Law of the 10th May, 1878—to any provincial Member who shall not reside in Lisbon, and whose means may absolutely require such subsidy.

I have, &c.
(Signed) H. G. MacDonell.

Inclosure in No. 15.

Royal Decree.

(Translation.)

In virtue of the authority conferred upon me in the 13th Article of the Law of the 26th February, 1892;*)

I hereby decree;

Art. 1. — The Deputies to the Cortes of the Portuguese nation are to discharge their functions without remuneration.

They will, however, be allowed a free passage by the railways belonging to the State and in the Government ships, in connection with the discharge of their official duties.

Art. 2. — The Municipalities of the various electoral districts are authorized to grant a subsidy to the Deputies who do not reside in the capital whenever the circumstances of those elected as Deputies should absolutely require it, provided the amount of such subsidy shall not exceed the sum recognized in the Laws in force.

Art. 3. — All public officers who do not conjointly discharge their official duties and their legislative functions are only entitled to receive the official salary attached to their respective rank.

Art. 4. — The Deputies for the Colonies residing in any of the transmarine possessions are not comprised in the provisions set forth in this Decree.

Art. 5. — Any Laws contrary thereto are hereby revoked.

The President of the Council of Ministers, Minister and Secretary of State ad interim for the Home Department, and also Minister and Secretary of State for the Finance Department, shall accordingly carry this Decree into effect.

Given at the Palace, the 15th September, 1892.

(Countersigned) *José Dias Ferreira.* (Signed) *The King.*

Roumania.

No. 16.

Mr. C. Hardinge to the Earl of Rosebery.—(Received March 27.)

My Lord, Bucharest, March 23, 1893.

With reference to your Lordship's Circular despatch of the 15th instant, I have the honour to report that, in accordance with the provisions of a

*) This Law authorized the Government in general to reduce the public expenditure.

Law of the 9th December, 1884, the Members of both Legislative Houses in Roumania receive a daily indemnity of 25 fr. (1*l.*) during the time that the Chambers are sitting. They have, however, no claim to the same when absent with or without leave, except in cases of illness, when they are entitled to payment up to fifteen days only. Should, however, a Member of either House be appointed to serve as a Delegate on a public Commission during the time of Session, the daily allowance is still continued, provided that he receives no further payment for serving on the Commission.

Both Senators and Deputies are entitled ex officio to free passes on all railways in Roumania, as well as to their travelling expenses where posting is obligatory.

I have, &c.

(Signed) *Charles Hardinge.*

Saxe-Coburg and Gotha.

No. 17.

Mr. Stephen to the Earl of Rosebery.—(Received April 11.)

My Lord, Coburg, April 8, 1893.

In reply to your Lordship's Circular despatch of the 15th ultimo, I have the honour to report that, by a Law dated the 20th May, 1876, Members of the Legislature in the Duchies of Saxe-Coburg and Gotha are entitled to receive the following allowances while attending the sittings of the Landtag:—

(a.) Members residing at Coburg or Gotha, 6*s.* a-day.

(b.) Members living in the country, 10*s.* a-day, with an additional travelling allowance of a second-class fare, and 3*s.* for incidental expenses if residing near a railway, or an allowance at the rate of 1*s.* a-mile if obliged to drive.

I have, &c.

(Signed) *A. Condie Stephen.*

Saxony.

No. 18.

Mr. Strachey to the Earl of Rosebery.—(Received March 27.)

My Lord, Dresden, March 21, 1893.

Members of the Landtag of Saxony receive a daily allowance of 12 marks (12*s.*) during the Parliamentary Session. No payment is made on account of days when Members are absent without leave of the House. First-class tickets for free passage over the railways of the kingdom during the duration of the Session are issued to Members.

In the case of the Upper Chamber, the representatives of certain houses of the mediatized nobility, with some others, are excluded from the pecuniary grant.

The Sessions of the Saxon Legislature are bienn al, and they have an average duration of four or five months.

I have, &c.
(Signed) *G. Strachey.*

Servia.

No. 19.

Mr. Fane to the Earl of Rosebery.—(Received March 31.)

My Lord, Belgrade, March 24, 1893.

In reply to your Lordship's Circular despatch of the 15th instant, I have the honour to forward herewith a Memorandum which has been drawn up by Mr. Leveson Gower, showing to what extent the payment of Members of the Legislature obtains in Servia.

I have, &c.
(Signed) *Edmund Fane.*

Inclosure in No. 19.

Memorandum.

Article 128 of the Servian Constitution provides that the Members of the Skupschtina shall receive from the State funds a daily allowance for subsistence while the Skupschtina is in session, and also an allowance for travelling expenses. The amount of these allowances, however, is to be fixed, not by a simple vote of the Skupschtina, but by legislation.

In order to carry out the above provision of the Constitution, it is enacted as follows in Clause 95 of the Law on "the Election of Deputies" of the 25th March, 1890:—

"Each Member of the Skupschtina shall receive, during the time that the Chamber is in session, a daily allowance from the State funds of 10 fr. This allowance shall, however, be reduced to 5 fr. in the case of Members who are State employés or State pensioners, and who live on the spot where the Skupschtina holds its sessions.

"Members who do not reside in the place where the Skupschtina holds its sessions shall receive a further allowance for travelling expenses according to the length of their journey by time, at the rate of 3 fr an-hour."

The names of Members are called over at each meeting of the Skupschtina, the names of Members absent are reported to the President, and such Members do not receive the daily allowance.

(Signed) *Arthur F. G. Leveson Gower.*

Belgrade, March 24, 1893.

Spain.

No. 20.

Sir H. Drummond Wolff to the Earl of Rosebery.—(Received March 24.)

My Lord, Madrid, March 21, 1893.

With reference to your Lordship's Circular despatch of the 15th instant, inquiring whether the Representatives elected to the Spanish Senate and House of Deputies receive pay or allowance for their services, I have the honour to report to your Lordship that such Representatives in this country do not receive any salary or allowances whatever.

I have, &c.

(Signed) *H. Drummond Wolff.*

Sweden and Norway.

No. 21.

Sir F. Plunkett to the Earl of Rosebery.—(Received March 30.)

My Lord, Stockholm, March 27, 1893.

In compliance with the instructions contained in your Lordship's Circular despatch of the 15th instant, I have the honour to furnish a statement showing how payment of Members of the Swedish Riksdag is arranged and what travelling privileges they enjoy.

I have not yet received the Report wich I have asked Mr. Michell to furnish in regard to the mode of payment awarded to the Members of the Norwegian Storthing.

I have, &c.

(Signed) *F. R. Plunkett.*

Inclosure in No. 21.

Memorandum.

The Swedish Riksdag consists of two Chambers—

Members of the First Chamber receive no payment whatever, nor are any special privileges granted to them in regard to travelling.

Members of the Second Chamber receive an allowance of 1,200 kronor (66*l.* 1*s.*) for each ordinary Session. This commences on the 15th January, and closes almost invariably between the 15th May. The Session has, however, been known to continue into June. Members receive nothing more for such a prolongation nor would anything be deducted if the Session happened to be shorter. Members are liable to be fined 10 kronor (11*s.*) for any day they fail to attend in the Chamber, unless they have previously asked for and obtained leave of absence. Practically, leave of absence is seldom refused, and this fine may be regarded as non-existent.

The actual amount expended by a Member of the Second Chamber in the journey to Stockholm at the opening of the Session and his return at its close is refunded, but he must himself defray the expenses of journeys he may have to make backwards or forwards at other times. He has no other pecuniary allowances whatever, nor does he enjoy any special advantages on railways or steamers.

In case the King summons an extra Session, the Members of the Second Chamber receive 10 kronor (11*s.*) a-day for each day that the Session lasts, as well as the amount of their travelling expenses once to Stockholm and back.

All travelling expenses are calculated first class with luggage, but without food or a servant.

No. 22.

Sir F. Plunkett to the Earl of Rosebery.—(Received April 4.)

My Lord, Stockholm, March 31, 1893.

With reference to my despatch of the 27th instant, I have the honour to forward herewith the Report which I have received from Mr. Michell on the system of payments made to Members in the Norwegian Storthing.

I have, &c.
(Signed) *F. R. Plunkett.*

Inclosure in No. 22.

Report on the Remuneration of Members of the Norwegian Storthing, by T. Michell, CB.

The Members of the Norwegian Storthing, receive the following emoluments:—

1. Travelling expenses for their journey to and from the Storthing, according to a scale fixed by a Law of the 3rd June 1874.

They do not receive free passes for the State railways, for steamers, &c., but a cash allowance per kilometre travelled, which more than covers the expense of railway or steam-ship fares, or the posting rates with horses.

2. Subsistence ("compensation for board and lodging") at the rate of 12 kronor (13*s.* 1*d.*) per diem during their presence at the Storthing holidays included, and 10 kronor (11*s.* 1*d.*) per diem for their travelling expenses to and from the Storthing.

3. Compensation allowance for nursing and medical treatment in case of sickness while travelling to or from the Storthing, or while attending its Session. If a Member dies, the State Exchequer defrays the cost of his burial.

In the course of time, the privilege of an allowance for "nursing and medical treatment" often became the object of a somewhat free and elastic interpretation on the part of Members.

Thus, it is a well-known fact that, under that privilege, Members have made the State Treasury pay for their baths, more or less "medical," for courses of gymnastics or massage, for inhalation processes, for medical comforts ("wine for the sick"), for the drawing and stopping of teeth, &c.

However, the derisive exposure of such cases in the press (with full publicity as to the claimants of such privileges) has of late been of considerable effect.

Since 1887, when the question was widely discussed in the public journals, there has not been much ground for complaint in this respect.

The aggregate allowances made to Members of the Storthing since 1875 are shown in the following Table:—

Table showing the Payments made to Members of the Norwegian Storthing between 1875 and 1892.

Year.	Duration of Session.		Number of Members.	Total Payments to Members.	Payments to Members.				
	Months.	Days.			Average per Member.			Per Diem (about).	
				£	£	s.	d.	s.	d.
1875	4	11	111	11,405*	102	14	0	15	8
1880	4	22	114	12,267	107	12	0	15	2
1885	4	17	114	11,928	104	12	0	15	1
1890	4	8	114	13,468	118	3	0	18	5
1891	5	17	114	13,290**	116	11	0	13	11
1892	6	. .	114	15,155***	132	19	0	14	9

Table showing the composition of the Norwegian Storthing in 1893.

Occupations as officially Returned.	Nuber of Members.
Peasant (yeomen), proprietors and farmers	33
Officials, higher (Prefects, ex-Ministers, bank directors and managers, &c).	16
Bailiffs (parish constables)	11
Lawyers, Judges, &c.	10
Schoolmasters, teachers, &c.	9
Clergymen	5
Church choirmasters (who are also schoolmasters)	5
Merchants, traders, agents	4
Ship-owners	4
Managers, overseers, foremen, &c.	3
Manufacturers (2), engineer (1)	3
Medical men	3
Journalists	3
Landed proprietors (gentry)	2
Chemist	1
Door-keeper (custodian)	1
Joiner	1
Total	114

*) The Norwegian kronor have been converted into sterling at the rate of 18 kronor = 1*l.*

	£
**) Travelling expenses	598
Subsistence	12,532
Medical attendance	160
	13,290

	£
***) Travelling expenses	595
Subsistence	14,390
Medical attendance	170
	15,155

Abstract of Article in "Morgenblad", March 26, 1893.

(Translation.)

When annual Sessions of the Storthing were introduced in 1868—69 in lieu of Sessions only once in three years, and which lasted nine to ten months, it was considered that three or four months would be sufficient for the transaction of all business.

Between 1871—77, however, the Sessions were steadily extended from three and a-half to four months; and between 1878 and 1883, to four and two-third months.

The succeeding Sessions were shorter, but in 1892 the Storthing was dissolved on the 1st August, after a Session of six months.

The duration of the Sessions has, therefore, a tendency to increase.

The cost to the country of such long Sessions here cited by the „Morgenblad" is shown in the Table annexed to this Report.

The worst of it, however, is, that the length of the Sessions deprives the Storthing of the best forces in the country. Men in active occupation, and who, in the school of life, have learnt to know the condition of the country and its people, are compelled to keep aloof from public life, and to resign, to men who make politics a means of livelihood, the seats which they would have filled with credit to themselves and with advantage to the country. And these politicians have no interest in pushing on work in the Storthing, and in reducing the length of the Sessions.

For them, the principal thing is their remuneration and their life in the Storthing Chamber and lobbies. This is to them a road to dignity and power, and to good posts as Auditors of the Public Accounts, paid Delegates to Peace Congresses, Members of Commissions, and to offices of various other kinds.

Members of Committees have to seek for aid outside the Storthing, either because they do not possess the necessary knowledge, or cannot find the time to do the work themselves.

When the reform was made in 1868—69, the subsistence allowances to Members should have been limited to a certain sum.

Several notices of motions to that effect have been brought before the Storthing, but in its present composition, there is no hope of such an alteration being passed by a sufficient majority.

No. 23.

Consul-General Michell to the Earl of Rosebery.—(Received April 20.)

My Lord, Christiania, April 17, 1893.

With reference to the Memorandum I transmitted on the 29th March last through Her Majesty's Ministers at Stockholm, I have the honour to report that on the 14th instant five distinct motions, and the numerous „alternatives" attached to them for the limitation of the payments made to Members, were rejected in the Storthing by majorities more or less large.

A motion by M. Bang in favour of retaining the present scale of payment, but for a period not exceeding 135 days, gained the largest number of votes, namely, 42 against 69. A proposal to limit the period

to 120 days obtained 36 votes, while another, practically to the same effect as M. Bang's, secured 36 supporters.

Proposals for the reduction of the daily subsistence allowance to 10 kronor (from 12 kronor) and to 5 kronor, with a fee of 1,000 kronor (about 55*l.*) for each Session, together with various other scales of fixed remuneration, were rejected by large majorities.

The long Sessions and the present scale of payment to the Members were defended with more than usual frankness and determination by the party of the Left.

I have, &c.

(Signed) *T. Michell.*

Switzerland.

No. 24.

Mr. F. R. St. John to the Earl of Rosebery.—(Received March 23.)

My Lord, Berne, March 20, 1893.

In reply to your Lordship's Circular despatch of the 15th instant, I have the honour to state that there is no privilege of free passes on Swiss railways for Members of the Legislature. Their travelling expenses for the double journey, undertaken once only in each Session, are calculated at the rate of 20 centimes (2*d.*) per kilometre of the distance between their habitual place of residence and the capital. They receive, moreover, while the Chambers sit, the sum of 20 fr. (16*s.*) for every day on which they have answered the roll-call at the beginning of the sitting.

Members of the "States Assembly" (Senate) are thus remunerated by their respective Cantons, while the Federal Government remunerates Members of the "National Assembly" (House of Deputies).

I have, &c.

(Signed) *F. R. St. John.*

P.S.—A similar arrangement obtains in the case of Members attending Special or Standing Committees. *F. R. St. J.*

United States.

No. 25.

Sir J. Pauncefote to the Earl of Rosebery.—(Received May 13.)

My Lord, Washington, May 2, 1893.

With reference to your Lordship's Circular despatch of the 15th March last, I have the honour to inclose herewith a Return, for presentation to Parliament, showing the salary and allowances granted to the Members of the two Houses of Congress of the United States.

I have, &c.

(Signed) *Julian Pauncefote.*

Inclosure 1 in No. 25.

Memorandum.

The compensation of each Senator, Representative, and Delegate in Congress is 5,000 dollars per annum, of the Speaker of the House of Representatives and the President of the Senate, who is also Vice-President of the States, 8,000 dollars each per annum.

The salaries are paid monthly, those of Representatives and Delegates on certificates approved by the Speaker of the House, and those of Senators on the approval of the President of the Senate.

Mileage is paid at the rate of 20 cents per mile, to be estimated by the nearest route travelled in going to and returning from each Session. Mileage accounts of Senators are certified by the President of the Senate, and those of Representatives and Delegates by the Speaker of the House.

An additional annual allowance of 125 dollars each for stationery and newspapers is also made to Members of both branches of Congress.

There is no law of the United States giving the privilege of free passes on railways to Members of Congress.

62.

ESPAGNE, PORTUGAL.

Traté de commerce et de navigation signé à Madrid le 27mars 1893.*)

Imprensa Nacional, Lisbonne 1893.

Tratado de comercio y navegacion entre su Magestad la Reina Regente de España y su Majestad el Rey de Portugal y de los Algarbes, firmado em Madrid el dia 27 de Marzo de 1893.

Su Majestad la Reina Regente de España y Su Majestad el Rey de Portugal y de los Algarbes, igualmente animados del deseo de estrechar los vinculos de amistad que unen á las dos Naciones, y queriendo mejorar y ampliar las relaciones comerciales entre sus respectivos Estados, han resuelto concluir con este objeto un Tratado especial y han nombrado al efecto por sus plenipotenciarios, á saber;

Su Majestad la Reina Regente de España:

A Don Antonio Aguilar y Correa, Marqués de la Vega de Armijo y de Mos, Conde de la Bobadilla, Vizconde del Pegullal, Grande de España de primera clase, etc., etc., Su Ministro de Estado.

Su Majestad el Rey de Portugal y de los Algarbes:

Á Sebastián Guedes Brandão de Mello, Conde de San Miguel, Grande

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*) Les ratifications ont été échangées à Lisbonne le 5 septembre 1893.

del Reino, etc., etc., Su Enviado Extraordinario y Ministro Plenipotenciario cerca de Su Majestad Católica.

Los cuales, después de haberse comunicado sus respectivos plenos poderes, hallados en buena y debida forma, han convenido en los artículos siguientes:

Art. 1.º — Habrá entera libertad de comercio entre los súbditos de las dos Altas Partes contratantes, los cuales no estarán sujetos, por rozán de su comercio, ó industria, en los puertos, ciudades ó lugares cualesquiera de los dos Estados respectivos, ya se establezcan, ya residan temporalmente en ellos, á otros ni mayores tributos, impuestos ó contribuciones de cualquier denominación que sean, que los que paguen los nacionales. Los privilegios, inmunidades ó cualesquiera otros favores de que gozaren en materia de comercio ó industria los súbditos de una de las Altas Partes contratantes, serán comunes á los de la otra.

Art. 2.º — Las Altas Partes contratantes se obligan á no establecer, la una respecto de la otra, prohibición de importación ó de exportación que al mismo tiempo no sea extensiva á las demás Naciones.

Este principio no se aplicará:

1.º Á la importación, á la exportación, ni al tránsito de las mercancías que son ó puedan ser objeto de los monopolios del Estado.

2.º Á las mercancías, hállense ó no mencionadas en el presente Tratado, para las cuales una de las Altas Partes contratantes juzgare necessario establecer prohibiciones ó restricciones temporales de entrada, de salida ó de tránsito, por motivos sanitarios, para evitar la propagación de epizootias ó la destrucción de las cosechas, y también por causa ó en la previsión de acontecimientos de guerra.

Art. 3.º — Los productos del suelo y de la industria de cualquiera clase, originarios de uno de los dos Países, que fueren importados en el oitro, no podrán estar sujetos á derechos de puertas ó de consumos, cobrados por cuenta del Estado, de la provincia ó de los municipios, superiores á aquellos que pagan ó puedan pagar las mercancías similares de producción nacional.

Art. 4.º — Los industriales y comerciantes, lo mismo que los viajantes de comercio españoles que recorran Portugal por cuenta de una casa española, y, reciprocamente, los industriales y comerciantes, lo mismo que los viajantes de comercio portugueses que recorran España por cuenta de una casa portuguesa, podrán hacer, sin estar sujetos ni en España ni en Portugal á cualquier impuesto industrial, las compras ó ventas necesarias á su industria y recibir órdenes. Estos viajantes podrán llevar comsigo muestras, pero nó mercancías.

Esta exención del referido impuesto se obtendrá mediante la carta de legitimación conforme al modelo A unido á este Tratado,

Art. 5.º — Los artículos de platería ó de joyería de oro ó de plata importados de uno de los dos Países, estarán sujetos en el otro al régimen y reglamentos establecidos respecto del contraste.

Art. 6.º — Los españoles en Portugal y los portugueses en España disfrutarán del trato concedido ó que se conceda en los Tratados especiales acerca de la propiedad de marcas, modelos y dibujos industriales ó comerciales.

Á falta de Tratados, los súbditos de cada una de las dos Naciones disfrutarán en la otra de las ventajas que las leyes respectivas concedan á los nacionales.

Art. 7.º — España y Portugal se garantizan mútuamente que ningún otro País recibirá en adelante un trato más ventajoso en lo relativo á los depósitos, la reexportación, el tránsito, el transbordo y la navegación en general.

Art. 8.º — Los productos del suelo y de la industria, expresados en la tabla A, aneja al presente Tratado, serán libres de derechos de importación, exportación ó tránsido en el comercio por los caminos ordinarios ó de hierro, por la frontera entre España y Portugal, y por los ríos que sirven de límite á ambos Países.

Art. 9.º — Los objetos de los dos Países contratantes, que se enumeran en la tabla B, aneja al presente Tratado, circularán libremente por la frontera de tierra de ambas Naciones y por los ríos que les sirven de límite, previo el cumplimiento de las formalidades que se fijan en la misma tabla.

Art. 10.º — Los productos del suelo y de la industria española, expresados en la tabla C, aneja al presente Tratado, serán admitidos en Portugal, cuando fueren importados por mar directamente, previo el pago de los derechos establecidos en la misma tabla.

Art. 11.º — Los productos del suelo y de la industria portuguesa, enumerados en la tabla D, aneja á este Tratado, se admitirán en España cuando fueren importados por mar directamente, previo el pago de lo derechos que expresa dicha tabla.

Art. 12.º — Las dos Altas Partes contratantes se reservan la facultad de conceder á otros Países los derechos convencionales de las tablas C y D.

No se otorgará, sin embargo, á un tercer País rebaja alguna en los derechos de dichas tablas C y D, sin que las dos Altas Partes contratantes se pongan préviamente de acuerdo.

Art. 13.º — Los productos del suelo y de la industria de España, enumerados en la tabla E, aneja á este Tratado, no estarán sujetos en Portugal á otros ni más elevados derechos que los fijados ó que se fijen para los productos similares de otra Nación.

Art. 14.º — Los productos del suelo y de la industria de Portugal, expresados en la tabla F, aneja á este Tratado, no estarán sujetos en España á otros ni más elevados derechos que los establecidos ó que se establecieren para los productos similares de otro País.

Art. 15.º — Cada una de las Altas Partes contratantes podrá exigir que el importador, para acreditar, que los productos son de origen ó de fabricación del País exportador, presente á la aduana del País de importación una declaración oficial según la fórmula del modelo B del presente Tratado, hecha ante las autoridades locales, del punto de producción ó de depósito por el productor ó el fabricante, ó por cualquiera otra persona debidamente autorizada por él.

También se podrá exigir la presentación de un documento expedido por las autoridades aduaneras, en el cual se certifique la procedencia de

los productos de un tercer País que pasen de tránsito por el territorio de cualquiera de las Partes contratantes.

Las autoridades del País importador, ó de aquel por el cual se efectuare el tránsito de los productos á que se refiere este artículo, podrán exigir la legalización consular de la firma de las autoridades que expidieron los documentos de que se trata.

Los derechos consulares correspondientes á este acto serán de 5 pesetas en España y de 900 réis en Portugal.

Las disposiciones de este artículo no se aplicarán á las mercancías de la tabla A, que e sean importadas por mar ó por tierra.

Art. 16.º — Los productos sujetos á un derecho de entrada que sirvan de muestras y que se importen por comisionistas viajeros, serán admitidos por ambos Países en franquicia temporal, mediante las formalidades de aduana necesarias para asegurar la reexportación ó el pago de los derechos.

Art. 17.º — El régimen para el comercio fluvial y marítimo, el comercio por caminos ordinarios, el servicio de aduanas y la represión de defraudaciones, se establecerá con arreglo á reglamentos especiales que de común acuerdo redactarán ambas Partes contratantes, conformes con las bases de los apéndices de este Tratado, que versan:

El 1.º Sobre el comercio por caminos ordinarios en la frontera de tierra de ambos Países;

El 2.º Sobre el comercio por los ríos que sirven de límite á España y á Portugal:

El 3.º Sobre el comercio marítimo;

Y el 4.º Sobre la vigilancia y represión del contrabando y las defraudaciones.

Art. 18.º — Los transportes por los ferro-carriles internacionales de ambos Países quedarán sujetos á las disposiciones contenidas en el reglamento que forma el apéndice n.º 5 anejo á este Tratado.

Art. 19.º — La policía costera y de pesca de ambos Países quedará sujeta á las disposiciones contenidas en el reglamento que forma el apéndice n.º 6 anejo á este Tratado.

Art. 20.º — Cada una de las dos Altas Partes contratantes podrá imponer á los buques mercantes de la otra potencia, y á su carga, los arbitrios que estime oportunos con destino á obras de puertos ó servicios de aduanas. Pero en ningún caso los arbitrios que deban satisfacer las naves de uno de los Países en los puertos del otro, serán superiores á los que paguen las naves nacionales.

Art. 21.º — Las disposiciones de este Tratado no son aplicables al comercio de cabotaje, que se regirá por las leyes y reglamentos de cada País y por las prescripciones contenidas en los reglamentos de los apéndices n.º 3.º y 5.º

Art. 22.º — Las franquicias de derechos establecidas en la tabla A, no podrán ser concedidas á un tercer País sin que previamente se pongan de acuerdo las dos Altas Partes contratantes.

Art. 23.º — Portugal se reserva el derecho de conceder al Brasil

ventajas especiales que no podrán ser reclamadas por España como consecuencia del cumplimiento de las cláusulas del presente Tratado.

Art. 24.º — Los productos portugueses procedentes de puertos de Portugal, no estarán sujetos en España á los recargos impuestos por la tarifa especial n.º 4 del arancel español vigente, ô por otra cualquiera que se estableciera en lo futuro.

En el caso que Portugal estableciera recargos análogos á los de dicha tarifa especial, no estarán sujetos á ellos los produscos españoles procedentes de puertos de España.

Art. 25.º — Las disposiciones generales del Tratado y sus apéndices, y las tablas A, B, C, D, E y F, se pondrán en vigor tan pronto como se haya ratificado el presente Tratado.

Las disposiciones que deban ser objeto de reglamentación especial, se pondrán en ejecución á medida que los Gobiernos de los dos Países aprueben los respectivos reglamentos.

Art. 26.º — Las disposiciones de este Tratado son aplicables, por parte de España, á su territorio de la Península, islas Baleares y Canarias; y por parte de Portugal á su territorio de la Península y archipiélagos de Madera y Azores.

Art. 27.º — El presente Tratado y sus apéndices estarán en vigor durante diez años, á contar desde el día del canje de las ratificaciones, que se efectuará á la mayor brevedad.

Concluído este plazo, si una de las Altas Partes contratantes no hubiere manifestado á la otra con un año de anticipación su deseo de cambiar ó modificar lo convenido, el Tratado seguirá en vigor por periodos sucesivos de cinco años, mientras no fuere denunciado con la misma anticipación de un año á la terminación del periodo en que deba cesar.

En fé de lo cual los respectivos plenipotenciarios han firmado este Tratado poniendo en él el sello de sus armas.

Hecho en Madrid, por duplicado, á 27 de marzo de 1893.

(L. S.) *El Marqués de la Vega de Armijo.*
(L. S.) *Conde de São Miguel.*

Apéndice 1.º

Bases para el comercio por caminos ordinarios en la frontera de tierra entre España y Portugal.

1.ª Los Gobiernos de ambos Países se obligan á modificar en todo lo que sea posible el establecimiento y las condiciones de sus respectivas aduanas, puestos fijos del resguardo y líneas de carabineros en la frontera terrestre, con el fin de que las administraciones de aduanas, tanto de España como de Portugal, obren de común acuerdo y puedan prestarse mutuo recíproco apoyo para el mejor servicio del Estado y del comercio de ambos Países.

Para realizar este objeto, se procurará que las aduanas terrestres de uno y otro País, así como sus respectivos resguardos se sitúen en puntos lo más cerca posible de la línea divisoria y en los mismos caminos que la

atraviesan, para que el comercio y el servicio administrativo se realice de la manera más fácil y en debida comunicación.

2.ª Se establecerán de común acuerdo entre los Gobiernos denlas dos Naciones disposiciones fiscales y aduaneras acerca de las siguientes operaciones comerciales:

a) Comercio de importación de artículos sujetos al pago de derechos.

b) Comercio de exportación de artículos sujetos al pago de derechos.

c) Comercio de importación de artículos libres de derechos.

d) Comercio de exportación de artículos libres de derechos.

e) Comercio de tránsito de productos de cualquiera de los dos Países contratantes.

f) Importaciones temporales.

g) Exportaciones temporales.

3.ª Se procederá á determinar las habilitaciones de las respectivas aduanas, en la inteligencia de que las españolas, y las portuguesas que ya se hubieran colocado en un mismo camino de la frontera, deberán estar idénticamente habilitadas para todos ó para cualquiera de los comercios anteriormente indicados, tener las mismas horas de despacho y conservar la mayor uniformidad en todo lo relativo á las operaciones comerciales y formalidades en las aduanas.

4.ª Los documentos de despacho y conducción de mercancías serán iguales en número y expresarán los mismos requisitos en las aduanas fronterizas de ambos Países, con sujeción á modelos debidamente autorizados.

5.ª La conducción de mercancías de una á otro aduana de las dos Naciones, atravesando la línea divisoria, sólo podrá hacerse con las guías ó documentos correspondientes, que darán las aduanas expedidoras para las de destino; las mercancías deberán acompañar-se de una á otra aduana por los respectivos resguardos, y dichas oficinas se darán unas á otras aviso de haber recibido las mercancías.

6.ª Los Gobiernos de los dos Países se pondrán de acuerdo para determinar los ganados y las mercancías que, con arreglo al presente Tratado ó teniendo en cuenta las conveniencias de los pueblos fronterizos y sin perjuicio de los intereses de la hacienda pública, puedan pasar y circular de un punto á otro de ambas Naciones, ó de una á otra aduana libremente, sin la formalidad de la guía y sin que sean acompañados del resguardo, y con sólo la presentación de dichos ganados ó mercancías en las aduanas ó en los puntos del resguardo respectivo para su reconocimiento y anotación en los libros para poder formar la estadística de esta parte del comercio internacional.

7.ª En el comercio por la frontera terrestre se observarán las disposiciones contenidas en otra sección de este Tratado para el servicio de vigilancia y represión de las defraudaciones y el contrabando.

8.ª Los Gobiernos de ambos Países dictarán de común acuerdo las debidas disposiciones para el desarrollo y cumplimiento de las bases de este apéndice.

(L. S.) *El Marqués de la Vega de Armijo.*
(L. S.) *Conde de São Miruel.*

Apéndice 2.º

Bases para el comercio por los ríos Miño, Tajo, Duero y Guadiana, en la parte navegable que sirve de límite entre España y Portugal.

1.ª Los Gobiernos de ambos Países, de común acuerdo, determinarán las aduanas y puntos habilitados de una y otra orilla de los ríos Miño, Tajo, Duero y Guadiana que pueden hacer el comercio á que se refiere este apéndice.

2.ª Los barcos que transporten mercancías ó productos de una á otra orilla de díchos ríos, deberán estar matriculados en la acaldía ú oficina de la autoridad administrativa á que corresponda el domicilio de sus propietarios: dichos barcos tentrán pintado en un costado, con color distinto para cada País, el nombre de la municipalidad á que pertenezcan y el correspondiente numero de orden de matrícula de cada municipio.

3.ª Los alcaldes en España y los administradores de los consejos en Portugal ó las correspondientes autoridades administrativas, formarán la lista oficial de las embarcaciones de su distrito y remitirán una copia autorizada á la aduana que en cada País se designa como principal.

4.ª Estas aduanas, con presencia de dichas listas oficiales, formarán la general de las embarcaciones de cada País destinadas al comercio, y formada la lista general se sacarán de ella las copias necesarias que se distribuirán á todas las aduanas, puntos habilitados y resguardos de ambas Naciones, con el fin de que puedan ser conocidos y vigilados los barcos que se destinen á este comercio.

5.ª Las embarcaciones no podrán atracar, ni en uno ni en otro País, más que á las aduanas ó puntos que para ello estén habilitados por las administraciones respectivas. Tampoco podrán estacionarse en el curso de los ríos excepto los casos de fuerza mayor debidamente justificados.

6.ª Los barcos podrán ser visitados y reconocidos durante su marcha ó estancia en el río por las aduanas y resguardos de cada País, por si solos, cuando las embarcaciones pertenezcan al mismo; pero si pertenecieren al otro País y se considerase necesario el reconocimiento, deberá solicitarse el concurso de la aduana ó del reguardo de la otra Nación para proceder, de acuerdo con ella correspondiendo en este caso la dirección de las operaciones á la aduana ó al resguardo del País á que corresponda el barco que deba reconocerse.

7.ª En el caso de que resulte probada por una aduana ó por ambas la comisión de una falta ó delito de defraudación, se perseguirá al buque delincuente por la administración del País á que pertenezca y según las leyes y reglamentos especiales del mismo, en conformidad con lo dispuesto en el apéndice iv sobre represión del contrabando.

8.ª Los ganados y mercancías de ambos Países que por el presente Tratado se declaren libres de derechos de importación y exportación en la frontera portuguesa, podrán couducirse por los ríos Miño, Tajo, Duero y Guadiana en las embarcaciones matriculadas y destinarse á una ó á otra Nación, sin más formalidad que la de presentarse en las aduanas y puntos habilitados para que por los funcionarios ó resguardos se tome nota

de dichos ganados y mercancías, con el fin de formar las oportunas estadísticas.

9.ª Todos los demás artículos y productos sujetos al pago de derechos de importación ó exportación que se destinen del uno al otro País y para cuyo adeudo están habilitadas las respectivas aduanas, deberán expresarse en una lista de carga redactada por los patrones, de conformidad con las facturas ó documentos que cada nación tiene establecidos para esta clase de comercio.

Esta lista se presentará á la aduana por donde se verifique la exportación para el visado y diligencia de conformidad, y, cumplido este requisito, se entregará al patrón del barco, para que le sirva de guía y pueda entregarla á la aduana de destino.

Esta aduana dará aviso á la de salida de haber recibidola lista de la carga y del resultado del despacho y comprobación de las mercancías.

10.ª Las embarcaciones á que se refiere este apéndice podrán navegar libremente por dichos ríos, sin pago alguno de peaje, estancia ó trámite.

11.ª Para que las embarcaciones puedan dedicarse al comercio será preciso que midan más de 2 toneladas métricas de porte, y los patrones deberán proveerse de una licencia para comerciar, que será expedida después de la matrícula del barco por las autoridades correspondientes, pagando por ella una cuota módica, uniforme en ambos Países y que fijarán los dos Gobiernos.

12.ª Las balsas de madera que se conduzcan por los ríos no están sujetas á las licencias de navegación á que se refiere la base anterior; pero deberán ir precedidas por una lancha que sirva de aviso á las embarcaciones que naveguen por los ríos y á los encargados de cualquier artefacto que pudiera sufrir daño por el choque de las balsas; en la inteligencia de que los dueños de las maderas ó sus conductores serán responsables de los perjuicios que causaren con arreglo á las leyes de cada País.

13.ª Para el mejor servicio y la posible uniformidad de los despachos, los Gobiernos de ambos Países se pondrán de acuerdo para conseguir que las horas de despacho en las aduanas sean las mismas, que los documentos del servicio aduanero sean iguales en ambos Reinos y ajustados á modelos, y que la vigilancia se ejerza de la manera más eficaz, molestando lo menos posible al comercio.

14.ª La navegación por el río Duero se sujetará á las siguientes reglas especiales:

a) Las mercancías españolas que lleguen al depósito de la aduana de Oporto por la vía marítima, podrán conducirse por el río Duero y ser importadas por la Vega del Terrón, sin que pierdan la nacionalidad en España.

b) Las mercancías españolas que salgan por la aduana de la Fregeneda y se conduzcan por el rio Duero á Oporto para reimportarse por el ferrocarril ó por mar por una aduana española, tampoco perderán lanacionalidad en España.

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(L. S.) *Conde de São Miguel.*

Apéndice 3.º

Bases para el comercio marítimo.

1.ª El comercio por mar entre España y Portugal, sin atravesar el territorio de cualquiera de los dos Países, se verificará por las aduanas principales y subalternas, que en la actualidad se hallan establecidas ó que en lo sucesivo se establecieren.

2.ª Cada Nación conservará su legislación aduanera para el comercio marítimo, tanto exterior como de cabotaje; pero mientras sea precisa la presentación de manifiestos, sobordos, ó conocimientos de embarque, estos documentos se visarán por el cónsul del País á que se destinen las mercancías y, á falta de este funcionario, por la aduana del puerto de embarque.

El visado de dichos manifiestos, sobordos, conocimientos ó documentos que hagan sus veces, será gratuito en los casos de que las embarcaciones que carguen las mercancías midan menos de 100 toneladas métricas.

3.ª Ambos Gobiernos resolverán de acuerdo hasta que puntos de sus respectivos territorios se ha de considerar como marítimo el comercio que se haga por la desembocadura al mar de la parte navegable de los ríos comunes á una y á otra Nación.

4.ª De igual modo determinarán la clase de los productos españoles ó portugueses que indistintamente puedan conducirse por buques portugueses ó españoles á puertos de ambas Naciones, con los beneficios concedidos á la bandera nacional para los efectos de la importación y tránsito, y previo el pago de los menores derechos de aduanas y de los que corresponden en cada País á los buques nacionales, en concepto de navegación, puerto, carga ó descarga.

Las mercancías de origen español ó portugués que respectivamente atravesaren de tránsito el territorio portugués ó español, no perderán por este hecho su nacionalidad, aunque antes ó después del tránsito sean transportadas por la vía marítima, con tal que el transporte sea directo entre puertos españoles y portugueses ó viceversa, y que el buque en que se haga el transporte pertenezca á uno de los dos Países.

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Apéndice 4.º

Bases para el servicio de vigilancia y represion del contrabando y de las defraudaciones.

1.ª Las Altas Partes contratantes se obligan á adoptar, en la forma que determina este apéndice, las debidas disposiciones para impedir, descubrir y castigar las transgresiones que pudieran intentarse ó llevarse á efecto en cualquiera de los dos Países contra las leyes y reglamentos de aduanas de la otra Nación, en lo relativo á defraudaciones de derechos, contrabando y monopolios del Estado.

2.ª Los empleados de aduanas, resguardos y autoridades administrativas ó municipales que tengan conocimiento de que se prepara algún acto de defraudación ó contrabando, ó alguna transgresión de dichas leyes y regla-

mentos en el otro País, procurarán impedir por todos los medios posibles que dicho acto se realice, participando los hechos á la autoridad superior de su Nación.

3.ª Cuando el contrabando, la defraudación ó la transgresión se hubiere realizado, los empleados de aduanas, resguardos, autoridades administrativas ó municipales qne hayan tenido conocimiento de los hechos, lo participarán, de igual modo, sin pérdida de tiempo á la autoridad superior de su País, indicando todos los datos y pormenores que conozcan, para que puedan ser castigados los que aparecieren como culpables.

La autoridad superior que hubiese recibido la denuncia dará inmediatamente cuenta de todo á la autoridad correspondiente de la Nación en que hayan podido efectuarse los fraudes y transgresiones denunciadas.

4.ª Las autoridades superiores á que se refieren las bases anteriores serán en uno y en otro País los gobernadores civiles, ó los delegados ó jefes de hacienda, los administradores principales de aduanas y los jefes de los resguardos de las respectivas provincias ó demarcaciones en que la transgresión ó defraudación se hubiere intentado en un caso ó realizado en el otro caso.

5.ª Los Gobiernos de ambos Países podrán designar de común acuerdo otra clase de autoridades ó funcionarios que puedan admitir y dar curso á las denuncias de que se trata.

6.ª Dichas autoridades superiores darán parte á la mayor brevedad, y á ser posible por telégrafo, á las respectivas direcciones de aduanas de todos los indicados hechos que le hubieren sido denunciados por la autoridad superior del otro País.

7.ª Las aduanas y puntos habilitados de ambas Naciones en la frontera por tierra y en la parte navegable de los ríos se comunicarán verbalmente ó por escrito, cuantos dados é informes se pidan reciprocamente sobre el movimiento comercial de ambos Países.

8.ª Para hacer más eficaz la represion del contrabando y de las defraudaciones, las aduanas, jefes de resguardos y autoridades fiscales de uno y de otro País, sin perjuicio de lo establecido anteriormente, se comunicarán las observaciones que estimen oportunas para conseguir aquel resultado.

9.ª Tanto España como Portugal se comprometen á no consentir que en la frontera por tierra y en las orillas de la parte navegable de los ríos comunes á ambos Países, se establezcan almacenes ó depósitos de mercancías que se presuma puedan destinarse á la introducción fraudulenta en la otra Nación.

10.ª Los almacenes ó depósitos de mercancías que con arreglo á las disposiciones de cada Nación se hallen establecidos ó se establezcan en dicha frontera de tierra ó en las indicadas orillas de los ríos, estarán sujetos á la vigilancia de las aduanas y resguardos del País en que los almacenes se hallen situados, con el fin de impedir cualquiera defraudación que pudiera intentarse en la otra Nación.

11.ª Si en cualquiera de los dos Países se intentara formar sociedades para asegurar la introducción en el otro de mercancías con rebajas de derechos, ó para hacer el contrabando, dichas asociaciones serán castigadas

con sujeción á los códigos respectivos, y los contratos que pudieran haber realizado se someterán á la acción de los correspondientes tribunales de justicia, debiendo comunicarse los dos Gobiernos las causas que por estos motivos se instruyan en sus territorios, así como también los nombres de las personas ó razón de las sociedades que notoriamente se dediquen á preparar ó realizar las defraudaciones ó contrabandos, para que se ejerza la debida vigilancia y se adopten las oportunas disposiciones.

12.ª Las aduanas de las dos Naciones no despacharán de salida las mercancías cuya importación esté prohibida respectivamente en uno ó en otro País. Tampoco autorizarán la exportación de productos para una aduana de la otra Nación que no esté previamente facultada ó habilitada para recibirlos ó despacharlos.

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Apéndice 5.º

Reglamento del comercio de tránsito.

Sección I.

Importación y exportación por las vias férreas.

Art. 1.º — La parte de via comprendida entre las estaciones españolas y portuguesas, extremo de los ferrocarriles que en la actualidad enlazan en la frontera de ambos Países, y la parte de las líneas férreas que en lo sucesivo tengan el mismo enlace, se declaran vías internacionales abiertas para los dos Países á la importación, á la exportación y al tránsito de toda clase de mercancías, á condición de que entre estas estaciones de la frontera y las aduanas de destino ó de salida las vías férreas no presenten solución de continuidad.

Art. 2.º — La acción administrativa de cada uno de los dos Países se extenderá hasta la estación extranjera en cuanto se relacione con la vigilancia de la parte de línea férrea declarada internacional; mas si por cualquier accidente ó acontecimiento fuere necesaria la intervención de los tribunales, su competencia tendrá por límite la frontera de los dos Estados.

Art. 3. — Los trenes compuestos de material portugués podrán transitar por las vías español las y los de material español por las vías portuguesas. Las empresas de ferrocarriles quedan sujetas á las disposiciones reglamentarias establecidas en cada uno de ambos Países y á la obligación de devolver el mismo material al punto de su procedencia, con intervención de las aduanas respectivas.

Art. 4.º — Las mercancías procedentes de España destinadas á Portugal y las procedentes de Portugal destinadas á España, podrán transportarse por la vía férrea internacional que enlace las estaciones extremas de ambos Países, tanto de día como de noche, sin exceptuar los domingos y días festivos, bajo las reservas y mediante las condiciones y formalidades de este reglamento.

Art. 5.º — Los trenes podrán ser escoltados por individuos del Resguardo de ambas Naciones en la parte de la línea declarada internacional,

no pudiendo pasar los españoles de la estación portuguesa más immediata ni los portugueses de la estacion española más próxima.

Las compañias de ferrocarriles facilitarán asiento gratuito á dichos guardas, tanto á la ida como á la vuelta, y los colocarán lo más cerca posible de las mercancías que fueren vigilando.

Art. 6.º — Para el servicio de escoltas podrán establecerse puestos en las aduanas respectivas, y las compañias prepararán locales al efecto en cada estación, quedando obligadas á facilitar á la aduana el material de instalación necesario para el servicio.

Art. 7.º — Los agentes de aduanas que pasen á la estación extranjera para actos del servicio vestirán uniforme y llevarán las armas de su instituto.

Mientras residan en el territorio vecino estarán sujetos á las leyes del País y pagarán las contribuciones indirectas como los demás extranjeros.

Tanto ellos como sus familias quedarán exentos del servicio de las armas, del de la guardia nacional, de prestaciones municipales y de contribuciones directas y personales establecidas en el País.

En lo relativo al servicio y disciplina interior de la estación dependerán exclusivamente de la autoridad de su País.

Art. 8.º — Los trenes que conduzcan mercancias deberán ir acompañados de una hoja de ruta para cada una de las estaciones términos del otro País á que sean destinadas, comprensiva de toda la carga, cuya hoja estará arreglada á un modelo uniforme en los dos Estados.

Esta hoja de ruta se extenderá por las administraciones de los caminos de hierro, se presentará á los empleados de la aduana de salida para que pongan el visto bueno, y servirá de base para todas las operaciones ulteriores, así como también para poder exigir la responsabilidad que proceda á la compañia del ferro carril encargada del transporte de las mercancías.

No se exigirá la hoja de ruta para los equipajes, que se despacharán con arreglo á las disposiciones de este reglamento.

Art. 9.º — Los trenes españoles ó portugueses quedarán bajo la vigilancia de la aduana respectiva tan pronto como lleguen á la estación límite de la línea internacional de cada País.

El jefe del tren hará seguidamente entrega á la aduana de llegada de la hoja de ruta.

Art. 10.º — Para facilitar á las compañias los medios de hacer las declaraciones con pleno conocimiento de causa, quedan autorizados los jefes de las aduanas para permitirles que examinen antes de hacer la declaración las mercancías, y una para que las descarguen y saquen muestras para conocer su clase ó valor.

Art. 11.º — Al llegar las mercancías al punto de término y de destino en el otro País, se colocarán en locales especiales de la estación, elegidos de antemano por la administración de la aduana y que puedan cerrarse.

Permanecerán en ellos las mercancías bajo la vigilancia no interrumpida de los empleados de aduanas.

Los vagones que contengan las mercancías no podrán moverse ni abrirse, así como tampoco descargar de ellos cosa alguna sin permiso de la aduana.

Las mercancías podrán destinarse al consumo, al depósito ó al tránsito después de cumplidas en los plazos determinados las formalidades que prescriban los reglamentos de cada País.

Las mercancías declaradas de tránsito solamente podrán quedar almacenadas en depósito ó ser destinadas ulteriormente para consumo en Barcelona, Málaga, Cádiz, Mahón y Vigo en España, y en Lisboa, Oporto, Viana do Castello y Figueira da Foz en Portugal.

Art. 12.º — Los locales que puedan ser ocupados por la aduana de cada País en la estación extranjera para los servicios que se relacionan con este reglamento se señalarán con las armas de dicho País.

Art. 13.º — Las administraciones de los caminos de hierro deberán dar cuenta, por lo menos con ocho días de anticipación, á las administraciones de aduanas de los cambios que traten de introducir en las horas de salida, paso y llegada de los trenes.

Art. 14.º — Las compañias ó administraciones de caminos de hierro de uno de los dos Países deberán conceder á las del otro los locales necesarios en las estaciones de enlace para el establecimiento regular del servicio de exploración y abrigo del personal.

Sección II.

Tránsito.

Art. 15.º — El tránsito de mercancías españolas, portuguesas ó de otros Países será, tanto en España como en Portugal, completamente libre de todo derecho de aduanas, asi como de cualquier otro impuesto general provincial, municipal ó de cualquiera otra clase a denominación.

Art. 16.º — La libertad del tránsito de mercancías se establece bajo el principio de la más completa reciprocidad, por lo que se aplicarán en ambos Países las mismas reglas y formalidades que contiene este reglamento.

Art. 17.º — Las empresas de ferrocarriles no podrán negar el tránsito por sus líneas á los vagones cargados de mercancías.

Las expediciones de mercancías deberán hacerse en trenes directos en pequeña velocidad, ó en trenes mixtos cuando así lo hubieren estipulado las empresas con los expedidores, y sólo en caso de fuerza mayor probada se detendrán los vagones en las estaciones intermedias hasta el paso del primer tren.

Art. 18.º — Las mercancías de tránsito se colocarán en vagones de corredera, cerrados con regularidad por medio de plomos ó candados ó bajo vacas precintadas.

Art. 19.º — Los bultos que pesen menos de 25 kilogramos sólo podrán colocarse en vagones de corredera.

Sin embargo, cuando alguno de estos bultos forme exceso de carga podrá admitirse en cajas ó cestones á satisfacción de la aduana, cerrándose con plomos ó candados.

También podrán emplearse cestones cuando el número de bultos no sea suficiente para llenar un vagón.

Dichas cajas y cestones los proporcionarán las empresas de ferrocarriles.

Art. 20.º — Se podrán conducir en vagones abiertos ó sin cubierta

los minerales, el fosfato de cal, los metales en masas, lingotes ó galápagos y el corcho en bruto ó en planchas, así como también el vino y el aceite de olivas, siempre que esté contenido en pellejos, barriles ó barricas, los cereales contenidos en sacos y el azogue en sus envases naturales de hierro, y todos los objetos que por sus dimensiones no quepan en vagones cerrados.

Art. 21.º — Los remitentes de las mercancías en tránsito presentarán por su parte en la aduana expedidora declaración duplicada, expresando el número de bultos, su clase, numeración y peso bruto; la clase, valor y procedencia de las mercancías en ellos contenidas y la fecha de entrada en los almacenes, así como la aduana marítima ó terrestre de salida y la estación de destino.

Son consideradas aduanas expedidoras no solamente las de las estaciones intermediarias en cualquiera de los dos Países, sinó las de las terminales, ya terrestres, ya marítimas, en que se reciban las mercancías de un tercer País que deseen aprovecharse del tránsito en ellos.

Estas estaciones de término serán en Portugal: Lisboa, Oporto, Vianna do Castello y Figueira da Foz, y en España todos los puertos y aduanas terrestres que tengan actualmente línea férrea que sin solución de continuidad los una con Portugal, y los demás puntos que en lo sucesivo se designen en cualquiera de los dos Países..

Art. 22.º — Todos los bultos tendrán marca y numeración diferentes, pero si conviniere á los expedidores formar con dos ó mas bultos otro mayor, podrán hacerlo, consignándolo en las declaraciones.

Art. 23.º — Las aduanas, después de reconocer exteriormente los bultos y examinar solo las mercancías á granel, procederán á sellar ó precintar los vagones, cajas ó cestos en la forma establecida, consignando en las declaraciones la conformidad, y con los datos de estos documentos formarán una guía duplicada.

El encargado de la expedición en el ferrocarril respectivo pondrá el recibí de las mercancías en las declaraciones, y recogerá la guía duplicada de tránsito, cuyo documento acompañará necesariamente á las mercancías. El plazo para el tránsito será el mismo fijado para los itinerarios de los ferrocarriles.

Art. 24.º — Las mercancías destinadas á cualquier país de tránsito por España ó Portugal podrán cambiar sus envases, siempre que esta operación se haja en las aduanas ó depósitos determinados y con intervención de empleados de las aduanas, y que los envases nuevos conserven como dato de indicación las marcas ó señales que tenían los primitivos.

Art. 25.º — Tanto España como Portugal tendrán la facultad, demarcar con señales indelebles, á fuego los envases de madera con tinta ó de otro modo los de otras materias, de las mercancías que transiten por los respectivos territorios, con el fin de que pueda reconocerse el País de producción ó manufactura del artículo y aquel por donde solo ha pasado de tránsito.

Art. 26.º — Las empresas de ferrocarriles son responsables directamente para con las aduanas de ambos Reinos de la entrega de los bultos y mercancías en el estado en que los hubieren recibido, y quedan sujetas á las penas establecidas en la legislación respectiva de cada País, por la

alteración de los sellos y precintos y por la defraudación de derechos que pueda hacerse á consecuencia de extravío, sustracción ó cambio de bultos ó de mercancías en ellos contenidas, diferencias en clase ó peso, así como también al pago de las multas que fueren impuestas por infracción de los reglamentos aduaneros de cada una de las dos Naciones.

Art. 27.º — Los expedientes por defraudación de derechos ó por contrabando se instruirán en las aduanas que descubran la defraudación ó delito, y los correspondientes á infracciones de los reglamentos fiscales se formarán por las aduanas en cuyo distrito se hubieren cometido las faltas.

Sección III.

De los equipajes de los viajeros.

Art. 28.º — Los trenes de viajeros podrán pasar la frontera de día ó de noche, sin exceptuar los domingos ó días festivos.

Los viajeros no podrán conservar en los coches bulto alguno que contenga mercancías sujetas al pago de derechos ó prohibidas.

Todos los objetos que devengando derechos sean transportados en trenes de viajeros quedan sujetos á las condiciones y formalidades establecidas para las mercancías destinadas al comercio de importación en el País respectivo, debiendo el transbordo efectuarse en el plazo de tres horas.

Art. 29.º — Los viajeros que pasen de tránsito por cualquiera de los dos Países tendrán la facultad de que se sellen ó precinten sus equipajes á la entrada del País por donde se verifique el tránsito, examinándose á la salida si los sellos están ó no intactos.

Art. 30.º — Los viajeros que sin pasar de tránsito se dirijan á una de las dos Naciones se sujetarán, en cuanto al despacho de los equipajes, á las formalidades establecidas en el País respectivo.

Art. 31.º — Los equipajes no destinados á tránsito se reconocerán ó despacharán en las secciones de aduanas de las estaciones de ferrocarriles limítrofes de ambas Naciones cuando entren por la vía ferrea.

Sección IV.

Del tránsito por uno de los dos Países de las mercancías del otro, de las procedentes de sus provincias ultramarinas y de las que salgan de sus puertos para reimportación.

Art. 32.º — Los géneros y frutos que sean producto y procedan directamente de cualquiera de las provincias españolas de ultramar que se depositen en las aduanas de Lisboa, Oporto, Figueira da Foz, Viana do Castello ú otras de Portugal que pudieran designarse, y se expidan á España por ferrocarril ó por buques españoles para puertos también españoles; y los géneros y frutos que sean producto y procedan directamente de las provincias portuguesas de ultramar, que se depositen en las aduanas de Barcelona, Málaga, Vigo ú otras de España que puedan designarse, y se expidan á Portugal por ferrocarril ó por buques portugueses para puertos igualmente portugueses, conservarán su nacionalidad; y tanto en las aduanas marítimas de su destino como en las de Badajoz, Valencia de Alcántara,

Fregeneda, Fuentes de Oñoro y Tuy en España y en las que en lo sucesivo se señalen en aquel País ó en Portugal, gozarán respectivamente de todos los beneficios concedidos por la legislación de cada una de las dos Naciones á los productos que vienen directamente de sus provincias de ultramar, y en su consecuencia tendrán la misma franquicia ó adeudarán los mismos derechos que si se hubiesen importado por cualquier puerto marítimo de España ó Portugal en viaje directo desde las indicadas provincias; entendiéndose que dichos productos gozan de los precitados beneficios aun cuando no formen el todo delcargamento del buque que los conduce de las provincias de ultramar á los expresados depósitos y cualquiera que sea el destino del resto del cargamento.

Art. 33.º — Las mercancías de España que en buques de esta Nación se conduzcan directamente desde sus puertos é islas adyacentes para reimportarse de tránsito por Lisboa ú Oporto, Figueira da Foz, Viana do Castello, ó por otro puerto de Portugal que pudiera designarse, y por las vías férreas portuguesas para las aduanas de Badajoz, Valencia de Alcántara, Fuentes de Oñoro, Fregeneda, Tuy ólas que en lo sucesivo se señalen, no perderán tampoco su nacionalidad por atravesar el territorio portugués, y se despacharán libremente en dichas aduanas españolas como productos de España. Recíprocamente conservarán su nacionalidad las mercancías portuguesas que en iguales condiciones atraviesen el territorio español.

Art. 34.º — Disfructarán del mismo beneficio las mercancías españolas que desde Badajoz, Valencia de Alcántara, Fuentes de Oñoro, Fregeneda, Tuy ú otros puntos que puedan fijarse, conduzcan á Lisboa, Oporto, Figueira da Foz, Viana do Castello ú otros puertos de Portugal que en lo sucesivo se designen por ferrocarril para introducirlas después por mar y en buques de España en los puertos de esta Nación y sus islas adyacentes ó para exportarlas á las provincias españolas de ultramar, gozando en reciprocidad las mercancías portuguesas del mismo beneficio cuando atraviesen el territorio español.

Art. 35.º — Para que tengan aplicación los beneficios á que se refieren los artículos 32.º, 33.º y 34.º deberán observarse las formalidades siguientes:

1.ª Todas las mercancías de que se trata se almacenarán en los depósitos de las aduanas marítimas provistas de las debidas señales é indicaciones, para que en todo tiempo se pueda probar su nacionalidad y procedencia.

2.ª Después de hecho el depósito, los importadores ó sus representantes podrán despachar las mercancías para el consumo, tránsito ó para la reexportación, ya en Portugal, ya en España, según el caso.

Art. 36.º — Los buques de cualquier País que procedan directamente de las provincias españolas de ultramar con productos de las mismas pueden hacer escala en Lisboa, Oporto, Figueira da Foz, Viana do Castello ú otros puertos que se designen para descargar parte de sus cargamentos y dirigirse inmediatamente después á cualquier puerto español ó extranjero, sin que por el hecho de haber descargado en dichos puertos portugueses pierdan en los de España los beneficios ortogados por su legislación á las procedencias directas. Las embarcaciones de cualquier bandera que desde España se dirijan á las provincias españolas de ultramar podrán entrar en

Oporto, Figueira da Foz, Viana do Castello, Lisboa y demás puertos que se fijen en lo sucesivo, ó completar su cargamento con mercancías españolas de las depositadas en las aduanas de dichas ciudades portuguesas, y estas mercancías se admitirán en aquellas provincias de ultramar, pagando los mismos derechos que si hubieren salido de los puertos españoles, previa justificación de su nacionalidad.

Los barcos españoles que desde España ó el extranjero hagan escala en Lisboa, Oporto, Figueira da Foz, Viana do Castello ó en puertos que se designen, podrán completar su cargamento con mercancías españolas ó coloniales tomadas en los depósitos de las mencionadas ciudades para conducirlas á un puerto español, sin que en uno ni en otro caso pierdan dichas mercancías su nacionalidad.

En reciprocidad, iguales ventajas serán concedidas en los puertos españoles que se designen en lo sucesivo á los buques y mercancías destinadas á puertos portugueses.

Art. 37.º — Los buques españoles que conduzcan mercancías también españolas de un puerto á otro de la Península podrán tocar en Lisboa, Oporto, Figueira da Foz, Viana do Castello para dejar ó tomar carga sin que dichas mercancías pierdan su nacionalidad en el puerto español de desembarque, gozando de la misma facultad los buques portugueses en recíprocas y respectivas condiciones.

Art. 38.º — Los derechos de depósito, los de almacenaje y todos los demás gastos serán en cada País los que respectivamente establezca su legislación para los géneros depositados en las aduanas.

Los minerales, las materias inflamables y demás artículos, que por cualquiera circunstancia no puedan recibirse en los almacenes de los depósitos de aduanas, gozarán de los beneficios del depósito, si los interesados almacenan á sus expensas dichos artículos en locales adecuados y seguros que estarán bajo la vigilancia de la aduana respectiva. En este caso por las mercancías así depositadas no se pagará derecho de almacenaje.

Las mercancías no podrán permanecer en depósito más tiempo, del que señale al legislación de cada País; y pasado este tiempo sin que se hubieran sacado del depósito, se procederá á su venta en los términos que determina la misma legalisción respectiva.

Sección V.

Disposiciones generales.

Art. 39.º — Las direcciones generales de aduanas y los administradores ó jefes de las aduanas de ambos Países podrán comunicarse entre sí gratuitamente por las líneas telegráficas de sus Gobiernos y por las de los ferrocarriles cuando lo estimen necesario para el servicio.

Se comunicarán también recíprocamente las instrucciones y circulares que dirijan á sus agentes relativas al cumplimiento de este reglamento.

Adoptarán asimismo de común acuerdo las medidas oportunas para que el número de empleados de las aduanas respectivas, así como también las horas de trabajo, estén, en cuanto sea posible, en relación con las necesidades debidamente apreciadas del servicio de los ferrocarriles.

Asegurarán la reexpedición de los viajeros y sus equipajes por el tren correspondiente en el plazo mínimo de una hora.

Adoptarán igualmente las medidas para que el transbordo de las mercancías se efectúe en todos los casos en el plazo de veinte y cuatro horas.

Art. 40.º — Cuando las administraciones de los caminos de hierro de uno ú otro Estado no estén conformes en los diferentes pnntos previstos en este reglamento ó en los medios de asegurar la continuación del servicio y de facilitar el comercio de tránsito, los dos Gobiernos intervendrán para disponer lo que juzguen necesario.

Art. 41.º — Los Gobiernos de ambos Países se obligan á alcanzar de las compañías de ferrocarriles á que pertenezcan, en parte ó en todo, las líneas internacionales de tránsito, que en estas líneas no se pueda directa ni indirectamente impedir ni demorar el tránsito ni establecer tarifas que al mismo tránsito impongan condiciones desfavorables de competencia con las de otras líneas; obligandose igualmente ambos Gobiernos á hacer lo mismo en las líneas que pertenezcan al Estado.

Son consideradas para al efecto del tránsito á través del territorio de los dos Países líneas internacionales las que continuando en las fronteras de ambos sirvan para el transporte de mercancías y equipajes procedentes de uno de ellos ó de un tercer País, cualquiera que sea el País á que se destinen, ya transiten por la vía férrea continua, ya por los puertos de mar ligados á las vías ferreas que cruzan la frontera.

Art. 42º. — Para la fijación de las estaciones límites de las líneas internacionales que aun no estuvieren designadas, la de las extremidades de las líneas de las aduanas que aun no están habilitadas para el servicio de tránsito, y por último, para el completo cumplimiento de este reglamento en la parte que actualmente no esté en vigor, se fija el plazo de ocho meses á contar del día en que se aprueben por ambos Gobiernos las disposiciones del presente reglamento.

Art. 43.º — La administración de las aduanas en cada País queda libre de abrir y reconocer los bultos y proceder á las otras formalidades ya en la frontera, ya á la salida de los puertos, en caso de sospecha de fraude.

(L. S.) *El Marqués de la Vega de Armijo.*
(L. S.) *Conde de São Miguel.*

Apéndice 6.º

Reglamento de policia costera y de pesca.

Sección I.

Disposíciones aplicables á las aguas jurisdiccionales de cada País.

Art. 1.º — La policía costera y de pesca en las aguas jurisdiccionales de España y de Portugal quedará sujeta á las disposiciones siguientes:

Art. 2.º — Los límites dentro de los cuales el derecho general de pesca queda reservado exclusivamente á los pescadores sujetos á las jurisdicciones respectivas de las dos Naciones, se fijan en 6 millas, contadas por fuera de la línea de bajamar de las mayores mareas.

Para las bahías cuya abertura no exceda de 10 millas, las 6 millas se contarán á partir de una línea recta tirada de una punta á la otra.

Las millas mencionadas son millas geográficas de 60 al grado de latitud.

Art. 3.º — Cada uno de los Estados tendrá el derecho de reglamentar el ejercicio de la pesca en sus respectivas costas marítimas hasta una distancia de 6 millas de las mismas, límite dentro del cual solamente será permitido á los pescadores nacionales ejercer esta industria.

Los dos Estados convienen en que está prohibido el uso de parejas, muletas ú otros aparejos de efecto nocivo hasta la distancia de 12 millas, teniendo cada uno la facultad de hacer detener á los infractores hasta que se levante la respectiva acta, debiendo, sin embargo, mandarlos entregar en el plazo de ocho días á la autoridad competente del Reino vecino, á fin de que le sean aplicadas las penas establecidas en las leyes y reglamentos de su País.

Art. 4.º — Para el efecto de este reglamento, la separación de las aguas territoriales en las zonas marítimas adyacentes de los dos Países será demarcada.

a) En la barra del Guadiana, por una línea media entre los dos meridianos indicados respectivamente por las comisiones española y portuguesa que en 1887 fueron encargadas de la demarcación de la referidas aguas.

b) En la barra del Miño por el paralelo en que se pusieron de acuerdo las referidas comisiones.

Art. 5.º — La pesca en los ríos limítrofes Miño y Guadiana será como hasta aquí ejercida en común por españoles y portugueses, en conformidad de las disposiciones reglamentarias dictadas de acuerdo, en que lo respecta al río Miño, por el capitán del puerto de Camiña y el ayudante de marina de la Guardia, y en que lo se refiere al río Guadiana por el capitán del puerto de Villa Real de San Antonio y el ayudante de marina de Ayamonte, sancionadas por los respectivos Gobiernos.

Art. 6.º — Las embarcaciones de pesca de uno de los dos Países no deberán acercarse á ningún punto de la costa del otro á menos distancia de las 6 millas especificadas en el artículo 2.º, excepto en las siguientes circunstancias, que serán consideradas como de fuerza mayor;

1.ª Cuando à causa del mal tiempo, ó por averías manifiestas, se hallen obligadas á buscar abrigo en los puertos del otro País, fuera de los límites de pesca del suyo:

2.ª Cuando sean llevadas dentro de los límites establecidos para la pesca del otro País por vientos contrarios, por fuertes corrientes ó por otra causa independiente de la voluntad del patrón del barco;

3.ª Cuando estén obligadas á bordear, á causa del viento contrario, para llegar al sitio adonde van á pescar, y cuando á consecuencia de la misma causa del viento ó de la marea contrarios, no pudieren, sin invadir esa zona, continuar su camino para dirigirse al sitio de la pesca ó regresar al puerto.

Se exceptúan las parejas, muletas y otras embarcaciones que usen en la pesca aparejos nocivos, las cuales no podrán bordear dentro de la zona reservada á cada País;

4.ª Cuando haya absoluta necesidad de ganar al puerto más próximo del otro País para abastecerse.

Tampoco será considerada infracción á este artículo al presencia en las aguas jurisdiccionales de uno de los Países de aparejos flotantes ó redes de rastreo pertenecientes á pescadores del otro, cuando hayan sido impelidos por las corrientes ó por los vientos; debiendo, sin embargo, sus dueños retirarlas en el más breve plazo posible.

Art. 7.º — Siempre que en razón de alguna de las circunstancias excepcionales indicadas en el artículo precedente, las embarcaciones de pesca de una ú otra Nación se encuentren en el caso de navegar dentro de los límites definidos en los artículos 2.º y 4.º, deberán tener las velas largas cuando las circunstancias lo permitan, y arbolar una señal convencional.

Esta señal consistira en una corneta roja con punta amarilla para las embarcaciones españolas, y blanca con punta azul para las portuguesas. La dimensión de esta corneta será de $0^m,50$ de longitud por $0^m,15$ de altura.

Cuando por causa de mal tiempo, de avería manifiesta ó abastecimiento se hallen obligadas las embarcaciones á buscar abrigo en los puertos, darán aviso inmediatamente á la autoridad marítima de ellos, la cual apreciará la oportunidad de la detención.

Cuando las causas de la detención hayan sido reconocidas como válidas por dicha autoridad, las embarcaciones de pesca disfrutarán de todas las facilidades concedidas á las de la Nación en que se encuentren, sea para su abasdecimiento, para la venta de su pescado, pagando los derechos de aduanas, ó para las medidas sanitarias.

Los empelados de aduanas tendrán la facultad de efectuar, á bordo de las embarcaciones en estas circunstancias, las visitas que prescriban sus reglamentos aduaneros, antes que sea desembarcado ningún objeto.

Mientras que estas embarcaciones se hallen dentro de los límites precitados, no ejercerán la pesca bajo ningún pretexto, y deberán salir de dichos límites tan pronto como lo permitan las circunstancias excepcionales que hayan motivado su entrada.

Art. 8.º — Los comandantes de las embarcaciones guarda-costas de ambas Naciones, como asimismo todos los agentes ú otros encargados de la policía de la pesca, apreciarán las causas de las infracciones de los reglamentos establecidos, que dentro de los límites respectivos de pesca cometan las embarcaciones pescadoras de los dos Países; y cuando no hallen estas infracciones justificadas, podrán detener ó hacer detener las embarcaciones delincuentes, y las conducirán ó harán conducir á un puerto de la Nación de los infractores para ser juzgados por los tribunales á quienes compete conocer en el asunto.

Sección II.

Disposiciones aplicables en el mar que baña las costas de ambos Países fuera de la zona de 6 millas.

Art. 9.º — Todas las embarcaciones de pesca, así españolas como portuguesas, estarán señaladas y numeradas.

En España las embarcaciones de pesca pertenecientes á una misma comandancia, y en Portugal las que rorrespondan è una misma capitanía, deberán tener una misma serie de números, precedidos de las letras iniciales de las comandancias ó capitanías respectivas.

Art. 10.º — Las letras y los números de que trata el artículo antecedente se colocarán en cada amura á 8 ó 10 centímetros debajo de la borda, pintados de blanco al óleo sobre fondo negro de una manera visible.

Las dimensiones de estas letras y números serán: para las embarcaciones de más de 15 toneladas, de 45 centimetros de altura y 6 centímetros de trazo, y para las embarcaciones de menos de 15 toneladas serán de 25 centímetros de altura por 4 centímetros de trazo. Las mismas letras y números se colocarán igualmente en cada lado de la vela mayor de la embarcacion, pintados al óleo, de negro sobre las velas blancas, y de blanco sobre las velas curtidas ó negras. Estas letras y números tendrán una tercera parte más de tamaño que los colocados en la amura de la embarcación.

Art. 11.º — Se colocarán sobre las boyas y flotadores principales de los instrumentos de pesca pertenecientes á cada embarcación la letra y número correspondientes á la misma, y lo mismo se practicará con los barcos, hierros, redes y en general con todos los aparejos de pesca pertenecientes á la embarcación. Estas señales tendrán las dimensiones suficientes para ser fácilmente reconocidas.

Los propietarios de instrumentos de pesca podrán además marcarlos con los signos particulares que ellos estimen convenientes, de los cuales, para tener efecto según este reglamento, darán conocimiento á la autoridad marítima local.

Art. 12.º — Las letras y números de las embarcaciones de pesca, tanto españolas como portuguesas, serán consignadas en las matrículas ó en los roles de la tripulación de estas embarcaciones.

Art. 13.º — Las matrículas ó roles de las embarcaciones de pesca, expresarán los nombres del propietario y del maestre ó patrón.

Art. 14.º — Los maestres ó patrones de las embarcaciones de pesca de uno y otro País estarán obligados, siempre que para ello sean requeridos, á exhibir las respectivas matrículas ó roles de tripulación y demás papeles de á bordo á los comandantes de los buques de guerra ó á sus delegados, siempre que esté á la vista en esa ocasión el buque á que pertenecen.

Art. 15º. — Se prohibe borrar, cubrir ú ocultar de cualquier manera que sea las letras y los números colocados en las embarcaciones ó en las velas cuando éstas estén sueltas.

Art. 16.º — Las embarcaciones pescadoras de los dos Países se ajustarán á las reglas generales adoptadas en cada uno de ellos respecto á luces para evitar abordajes.

Art. 17.º — Se prohibe á toda embarcación que llegue á un lugar de pesca colocarse ó echar sus aparejos de manera que molesten ó estorben de cualquier modo las embarcaciones que allí se encuentren ya ejerciendo la pesca.

Art. 18º. — Queda prohibido á toda embarcación de pesca fondear desde la puesta á la salida del sol en los parajes donde se encuentren setablecidas redes de deriva, fuera de los casos de accidentes fortuitos ó de fuerza mayor, lo cual deberá ser debidamente comprobado.

Art. 19.º — Cuando se reunan en un sitio de pesca unos barcos con cubiertas y otros que no la tengan, y vayan á calar á un tiempo redes de deriva, las calarán los últimos á barlavento de los primeros.

Si el calamento no fuera simultáneo y una embarcación con cubierta calase sus redes á barlavento de otra abierta que esté pescando, ó si una embarcación sin cubierta calase las suyas á sotavento de otra que la tenga y que se hallase ya pescando, la responsabilidad de las averías pue resultase á los aparejos ó redes corresponde á los últimos que se hayan puesto á pescar, á menos que prueben que ha habido caso de fuerza mayor ó que la avería no fué culpa suya.

Art. 20.º — Nadie podrá amarrar ni aguantar su embarcación sobre las redes, boyas, flotadores ó cualquier objeto de las artes de pesca pertenecientes á otra embarcación.

Art. 21.º — Cuando los pescadores de artes de arrastre se encuentren á la vista de otros de redes de deriva ó palangres, ú otros de cordel, tomarán las medidas necesarias para evitar perjuicios á los últimos. En caso de daño, la responsabilidad corresponde á los pescadores de artes de arrastre, á menos que prueben haber sido por efecto de fuerza mayor ó que la pérdida sufrida no es por culpa suya.

Art. 22.º — Se prohibe enganchar ó levantar las redes, cuerdas, cordeles ó cualquier instrumento de pesca perteneciente á otro, bajo ningún pretexto, á no ser por causa de fuerza mayor.

Art. 23.º — Si un barco que pesque con aparejos ó cordeles los cruza con los de otra embarcación, no podrá el que levante los suyos cortar los otros, á menos de fuerza mayor, y aun en este caso deberá anudor inmediatamente los cordeles que corte.

Art. 24.º — En el caso de enredarse redes, aparejos ó cordeles de dos ó más embarcaciones, no podrán los patrones cortar los que no sean suyos, á menos de consentimiento de las partes interesadas ó cuando haya riesgo, después de reconocida la iposibilidad de separarlos de otro modo, caso en que termina toda responsabilidad.

Art. 25.º — Se prohibe emplear cualquier instrumento ó aparato ó material que sirva exclusivamente para cortar ó destruir las redes. La existencia á bordo de estos utensilios ó materiales está prohibida y será castigada, correspondiendo á cada Nación tomar las medidas necesarias para impedir el embarque de estos efectos.

El empleo de la dinamita ó de otro cualquier material explosivo queda prohibido en la pesca.

Art. 26.º — El cumplimiento de las reglas concernientes á las lu ces y señales, al rol de la tripulación, autorización de pescar y otros papeles de á bordo, las marcas y la numeración de las embarcaciones y de los instrumentos de pesca, así como lo concerniente al artículo anterior, incumbe. respecto á los pescadores de cada Nación, á la vigilancia exclusiva de sus agentes. Sin embargo, los encargados de vigilar la pesca en ambos Países podrán participar á las autoridades del otro las infracciones de que tengan conocimiento cometidas por sus pescadores.

Art. 27.º — Las embarcaciones guarda-costas son las competentes para hacer constar las infracciones á las reglas prescritas para la colocación

de las embarcaciones sobre el lugar de la pesca y para todo lo que concierne en general á estas operaciones, y particularmente los actos que puedan ocasionar daños, cualquiera que sea la nacionalidad de los pescadores que los cometieren; en su consecuencia, los comandantes de dichas embarcaciones apreciarán las causas de dichas infracciones comeditas por las embarcaciones de pesca de las dos Naciones, formarán sumario, y si el caso fuera de tal gravedad que así lo jusguen necesario, conducirán á los delincuentes y sus embarcaciones al puerto más cercano del país de éstos, para que sean allí comprobados la contravención y el daño, tanto por las declaraciones de las partes interesadas, como por el testimonio de las personas que hayan visto el hecho.

El sumario deberá ser firmado por dos testigos y por el infractor, cuya firma deberá ser reemplazada por la declaración de negativa, hecho en la lengua del guardacostas, y en él podrán hacer cualesquier declaraciones en la lengua del declarante, no solamente los testigos, sino también el infractor.

Art. 28.º — Cuando la infracción no sea de naturaleza grave, pero, sin embargo, haya causado perjuicio á cualquier pescador, los comandantes de los guarda-costas podrán conciliar en la mar á los interesados y fijar la indemnización que haya de pagarse, si hay consentimiento de partes. En este caso, si una de las partes no tuviere posibilidad de pagar inmediatamente, los comandantes harán redactar y firmar á los interesados una acta por duplicado, en que se regule la indemnización que se haya de pagar. Uno de estos ejemplares quedará á bordo del guarda-costas, y el otro se entregará al patrón que deba cobrar, con el fin de que en caso necesario pueda servirse de él ante lo tribunales del deudor.

De no haber consentimiento de ambas partes, los comandantes obrarán con arreglo al artículo 27º.

Art. 29.º — Cuando los pescanores de uno de los dos Países pasaren á vías de hecho contra los de la otra nacionalidad, ó les hubieren causado voluntariamente ó perjuicio ó pérdida. el conocimiento de esos hechos será de la competencia de los tribunales de la Nación á que pertenezcan los barcos delincuentes.

Sección III.

Disposiciones generales.

Art. 30.º — Toda embarcación de pesca ó cualquier objeto de su armamento, aparejos, redes, boyas, flotadores y demás instrumentos propios de la industria, encontrado ó recogido en la mar, dentro ó fuera de las aguas jurisdiccionales, deberá ser remettido al comandante de marina si el objeto encontrado es conducido á España, ó al capitán del puerto si el objeto salvado es llevado á Portugal. El comandante de marina ó el capitán del puerto, según el caso, devolverá los objetos salvados á sus propietarios ó á las personas encargadas de representarlos.

Art. 31.º — Dichas autoridades, con arreglo á la legislación de cada uno de los Países, fijarán la indemnización, que los propictarios deban pagar á los salvadores. Esta indemnización, que en ningún caso podrá pasar de

la cuarta parte del valor que tengan en aquel momento los objetos salvados, será pagada por los propietarios.

Art. 32.º — Los objetos salvados en la zona de las 6 millas de la costa pertenecerán á la Nación que allí tenga jurisdicción, en caso de que nadie lo reclame, ó cuando carezcan de señales suficientes para encontrar á sus propietarios.

Los que hayan sido recogidos en el mar común pertenecerán á la Nación del salvador, si no se puede descubrir el propietario.

Art. 33.º — Toda acción penal relativa á los delitos y faltas previstos por el presente reglamento prescribirá á los seis meses, contados desde el día en que haya tenido lugar el hecho. Se exceptúan las relativas á vías de hecho ó á los daños causados voluntariamente, que entrarán en el dominio de la ley general del Estado respectivo.

Art. 34.º — La zona de 6 millas que se fija en el artículo 2.º, es únicamente aplicable para los efectos del presente reglamento.

Art. 35.º — La vigilancia y policía de la pesca será ejercida por embarcaciones pertenecientes á la marina militar de los dos Países.

Art. 36.º — La resistencia á las prescripciones de los comandantes de los buques encargados de la vigilancia y policía de la pesca ó á sus delegados, así como la desobediencia á cualesquiera órdenes ó requerimientos necesarios, á fin de que sea efectiva esa vigilancia y policía, serán punibles como resistencia ó desobediencia á la autoridad del Paísá que pertenezca el delincuente.

(L. S.) *El Marqués de la Vega de Armijo.*
(L. S.) *Conde de São Miguel.*

Modelo A.

Carta de Legitimación

para

Viajeros de Comercio

Para el año 18. . . | Sello del Estado. | N.º de la carta. . .

Para Portugal

Portador

(Nombre y apellido)

(Lugar y fecha. . .)

Sello de la Autoridad competente.

Titulo y firma de la Autoridad competente.

(Verso)

Se certifica por la presente que el portador de esta carta posee una... (indicación de la industria ó del comercio) en... bajo la razón social de...

{ es viajante al servicio de la casa... en... que posee una... (indicación de la industria ó del comercio) en... bajo la razón social de...

Proponiéndose el portador de esta carta recoger y hacer compras en Portugal para esta casa y para $\frac{\text{la casa abajo designada}}{\text{las casas abajo designadas}}$ (designar el establecimiento comercial, ó industrial) se certifica que $\frac{\text{dicha casa esta}}{\text{dichas casas están}}$ $\frac{\text{autorizada}}{\text{autorizadas}}$ para ejercer su industria (comercio) en el País $\frac{\text{paga}}{\text{pagan}}$ las contribuciones legales para el ejercicio de su comercio (industria).

Señas del Portador

Edad...
Estatura...
Pelo...
Señas particulares... Firma del portador:

(L. S.) *Conde de São Miguel.*
(L. S.) *El Marqués de la Vega de Armijo.*

Modelo B.

Certificado de Origen

D... (1) certifica que según los documentos presentados, el sr. D., . (2) $\frac{\text{facturado}}{\text{embarcado}}$ el... 189... (3) en $\frac{\text{esta estación}}{\text{este puerto}}$ de... (4), ... (5) bultos... (6) marca... números... de peso bruto de... kilogramos, conteniendo... (7) cuyas mercancías son producidas en este País y se destinan á seguir hasta la aduana portuguesa de... (8) consignadas á... (9) para ser reexpedidas á D... (10) á... (11). (Fecha, firma y sello.)

(1) Nombre de la autoridad que expide el documento.
(2) Nombre del productor ó comerciante.
(3) Fecha.
(4) Nombre de la estación del ferrocarril ó del puerto.
(5) Número de bultos.
(6) Clase de bultos.
(7) Descripción genérica de las mercancías.
(8) Nombre de la aduana.
(9) Nombre del consignatario, si o hay.
(10) Nombre del destinatario.
(11) Nombre del lugar de destino.

(L. S.) *Conde de São Miguel.*
(L. S.) *El Marqués de la Vega de Armijo.*

Protocolo Final.

Los plenipotenciarios abajo firmados, reunidos en el dia de la fecha para proceder á la firma del Tratado de comercio que antecede, han acordado las siguientes declaraciones, que formarán parte integrante del mismo Tratado.

I. — En lo relativo al texto del Tratado.

Al artículo 7º. — Queda expresamente consignado, con respecto á la navegación, que España disfrutará en Portugal, en el territorio de su península y en los archipiélagos de Madera y Azores, el tratamiento de que gozan las Naciones con las cuales actualmente Portugal tiene Tratados, y el que en lo futuro concediera á otros Países. Después de expirar el Tratado de comercio y navegación entre Portugal y Suecia el dia 10 de junio de 1895, España no disfrutará las ventajas que ahora tienen por aquellos Tratados la República del África meridional y el Estado libre de Orange.

Al artículo 17º. — Á la mayor brevedad posible los dos Gobiernos nombrarán los respectivos comisionados que deban redactar los reglamentos especiales que son complemento de este Tratado y cuyas bases están incluídas en los apéndices anejos al mismo, números 1.º, 2.º, 3.º y 4.º

II. — En lo relativo á todas las tablas.

1º. — La partícula ex que antecede á la designación del número de algunas partidas de las tablas, significa que además de los productos expresados á continuación de dicho número, y que son objeto de trato especial, las partidas comprenden otros productos que quedan excluidos del régimen consolidado por las mismas tablas.

III. — En lo relativo á la tabla A.

Al número 9º. — La exención de derechos de la madera ordinaria en troncos ó pedazos con corteza ó desbastados al hacha, es solo para la madera que desde Portugal se importe en España. Las procedencias de España de este artículo, se sujetarán al régimen establecido para el comercio marítimo.

Al número 39º. — La franquicia es únicamente para las aguas minerales, naturales de Epaña y Portugal; justificán-do-se el origen de uno ú otro Pais por las etiquetas ó marcas.

Al número 40.º — La exención de derechos del carbón mineral es sólo para el que desde España se importe en Portugal. Las procedencias de Portugal de dicho combustible se sujetarán al régimen establecido para el comercio marítimo.

IV. — En adición á la tabla B.

Queda declarado que el transporte de frutos de las propiedades divididas por la frontera sera reglamentado de común acuerdo por el Gobierno de los dos Países, en la forma que mejor convenga á sus recíprocos intereses.

V. — En lo relativo á las tablas C y D.

Á los números 3.º y 229.º — La marca consiste en 1 metro y 47 centímetros.

Á los n.os 349 y 293. — Para que las ostras de cría para parques

adeuden el derecho establecido, es preciso que cada mil tengan el peso máximo de 22 kilogramos.

Á los n.os 351 y 292. — Los pescados salados, ahumados ó secos (excepto el bacalao) procedentes de un tercer País, quedan sujetos en España y en Portugal al derecho de 2 $ 160 réis, ó sean 12 pesetas por cada 100 kilogramos.

VI. — En lo relativo al apéndice.

Al artículo 4.º *a* — Queda expresamente declarado que la línea marítima del Guadiana será fijada de común acuerdo en el plazo establecido por las notas cambiadas en esta fecha entre los dos plenipotenciarios, sobre la base de que la línea media partirá del centro de la línea de la boca del río y descenderá en direccion á la unión de los canales de las dos barras, de manera que tanto España como Portugal tengan aguas propias para navegar. Desde este punto continuara con inclinación hacia el sudoeste siguiendo la línea un curso de 6 á 12 millas hasta tocar el último de los meridianos propuestos por los comisarios españoles y desde allí hasta el extremo de las zonas.

Madrid, 27 de marzo de 1893.

(L. S.) *El Marqués de la Vega de Armijo.*
(L. S.) *Conde de São Miguel.*

63.

PORTUGAL, ESPAGNE.

Convention de démarcation; signée à Madrid le 27 mars 1893.*)

Imprensa Nacional, Lisbonne 1894.

Su Majestad el Rey de Portugal y de los Algarves y Su Majestad la Reina Regente de España, en nombre de Su Augusto Hijo el Rey Don Alfonso XIII, animados de identico deseo de poner término al litigio pendiente hace siglos, acerca de los terrenos que estaban indivisos entre las villas portuguesa de Moura y las españolas de Aroche y Encinasola, han resuelto, fijar definitivamente de común acuerdo lo límites territoriales de ambas soberanias y del dominio que respectivamente corresponde á la villa portuguesa y españolas en aquellos terrenos, de modo que queden asegurados el ejercicio de las funciones administrativas y el cumplimiento de las leyes de cada uno de los dos Países en las partes que se les asignen como de su pertenencia.

Con este fin han nombrado sus Plenipotenciarios, á saber:

Su Majestad el Rey de Portugal y de los Algarves:

Al Señor Sebastian Guedes Brandão de Mello, Conde de San Miguel,

*) Les ratifications ont été échangées.

Grande del Reino, etc., su Enviado Extraordinario y Ministro Plenipotenciario cerca de Su Majestad Católica.

Su Majestad la Reina Regente de España:

A Don Antonio de Aguilar y Correa, Marqués de la Vega de Armijo y de Mos, Conde de la Bobadilla, Visconde del Pegullal, Grande de España de primera clase, etc., etc., Su Ministro de Estado.

Los cuales después de haberse comunicado sus plenos poderes hallados en buena y debida forma, han convenido en los artícùlos siguientes:

Art. 1. — La línea de separacion entre el Reino de Portugal y el Reino de España en las tierras denominadas de la Contienda, seguirá el camino conocido y frecuentado desde hace mucho tiempo, que de la villa de Aroche en España conduce á la de Barrancos en Portugal, en la parte en que aquel camino atraviesa las mismas tierras.

La raya que de esta division resulta parte del punto en que el arroyo de Gamos es atravesado por el camino que de Barrancos va á Aroche por Charco Redondo y en aquel punto empieza también la actual linde que separa la zona de cultivo de Moura de la Encinasola. Sigue después por este mismo camino que á la vez es linde de cultivo, hasta el sitio del Toril de le Mocha y punto de union de las tres lindes. Después continua la raya por este camino que ya entonces separa las zonas de cultivo de Aroche y Moura hasta el sitio denominado Tojal Alto. Desde este punto forma la frontera el mismo camino que cruza el Mortignon en Charco Redondo y continua en direccion al sur, dejando en Portugal á 220 metros à oeste el alto del Charco portugués para atravessar después el arroyo Perseguero. Sigue la raya 700 metros más en esta mismo direccion meridional y siempre acompañando al mismo camino que será de uso común para los habitantes de una y otra nacion en toda su extension y vuelve luego al sudoeste para subir á la divisoria entre Mortigon y Paijaunes.

La raya cruza esta cumbre en el sitio llamado Rodeo del Toro á unos 680 metros del Pico del Toro, que queda en Portugal, 400 metros al sur del citado Rodeo, se separa á la derecha un camino que va al Mallon del Borneco y sigue la raya por el que conduce á Aroche hasta el punto en que este sale de la Contienda atravesando la divisoria de aguas del Mortigon y Chanza, 200 metros al sur del erranque de outro camino que por el Mallon del Valle Centeno conduce á la aldea portuguesa de Santo Aleixo.

Con objeto de que quede visiblemente señalada sobre el terreno la division que en el párrafo anterior se expressa á fin de evitar cuestiones en el porvenir, se colocarán los marcos fronterizos que se designan en la relacion y plano que son anexos entendiendose que dichos planos y relacion forman parte integrante de este convenio.

En ambos figuran no solo los marcos que dividen la Contienda, sino los necesarios para que queden exactamente fijados los trozos de los limites actuales que por este convenio pasan á ser frontera entre las dos naciones. El plano es el mismo que fué levantado en 1887 por la comision internacional de límites en escala de 1 : 10.000.

España renuncia á favor de Portugal todos los derechos que puede

tener sobre los terrenos que al tenor de este artículo quedan sometidos á la soberania de Portugal.

Portugal renuncia en favor de España todos los derechos que puede tener sobre los terrenos que al tenor de este artículo quedan sometidos á la soberania de España.

Art. 2. — La villa portuguesa de Moura conservará el dominio pleno de la parte de las mismas tierras que en virtud del referido artículo queda adjudicada á la soberania de Portugal.

Las villas españolas de Aroche y Encinasola conservarán el dominio pleno de la parte de las tierras actualmente denominadas de la Contienda que en virtud de lo estipulado en el artículo precedente queda adjudicada á la soberania de España.

Art. 3. — Los Comisarios nombrados por los dos Gobiernos para la demarcacion de los limites que el presente convenio señala á los respectivos territorios acordarán las providencias complementarias que se necesiten para la ejecucion de este pacto.

Art. 4. — El presente convenio entrará en vigor y será obligatorio para ambos Gobiernos luego que sea debidamente ratificado en virtud de autorisacion legislativa de las dos Naciones y de haber sido oficialmente publicado en una y otra, debiendo efectuarse la ratificacion y publicacion en el más breve plazo posible.

En fé de lo cual los Plenipotenciarios respectivos lo han firmado y sellado con sus sellos.

Hecho por duplicado en Madrid á veinte y siete del mes de marzo de mil ochocientos novienta e tres.

(L. S.) *El Marqués de la Vega de Armijo.*
(L. S.) *Conde de S. Miguel.*

64.

SUISSE.

Arrêtés du conseil fédéral concernant les certificats d'origine; du 11/14 avril 1893.

Bulletin international des douanes 1893.

I. — Arrêté du Conseil Fédéral concernant les certificats d'origine pour les marchandises provenant des Pays-Bas.

(Du 11 avril 1893.)

A partir du 1 mai 1893, on n'admettra, pour les marchandises provenant des Pays-Bas, que les certificats d'ori-

I. — Bundesrathsbeschluss betreffend die Ursprungszeugnisse für Waarensendungen aus den Niederlanden.

(Vom 11. April 1893.)

Für Waaren aus den Niederlanden werden vom 1. Mai 1893 an einzig nur solche Ursprungszeugnisse berück-

gine dressés par l'un des deux consulats suisses d'Amsterdam ou de Rotterdam.

II. — Arrêté du Conseil Fédéral concernant les certificats d'origine pour les envois venant de l'étranger par la poste.

(Du 14 avril 1893.)

1°. En modification partielle de l'arrêté du 14 février dernier, il n'y a pas lieu d'exiger des certificats d'origine pour les envois par la poste pesant brut jusqu'à 3, respect. 5 kil. (colis postaux), toutefois sous la réserve expresse de revenir sur cette décision si elle donnait lieu à des abus.

2°. Cette décision ne s'applique pas aux envois de montres ou de pièces détachées de montres, non plus qu'aux envois venant d'un entrepôt étranger.

3°. Cette décision entre immédiatement en vigueur.

sichtigt, die von einem der beiden schweizerischen Konsulate in Amsterdam oder Rotterdam ausgestellt sind.

II. — Bundesratsbeschluss betreffend Ursprungszeugnisse für Postsendungen aus dem Auslande.

(Vom 14. April 1893.)

1. In theilweiser Modifikation seines Beschlusses vom 14. Februar 1893 wird die Forderung von Ursprungszeugnissen für Poststücke bis auf 3, bezw. 5 kg Bruttogewicht (colis postaux) bei der Einfuhr nach der Schweiz fallen gelassen, unter dem ausdrücklichen Vorbehalt, dass bei allfällig sich ergebenden Missbräuchen auf diesen Beschluss zurückgekommen werde.

2. Dieser Beschluss hat jedoch auf Uhren und Uhrenbestandtheile, sowie auf Waaren ab einem ausländischen Zollfreilager nicht Anwendung zu finden.

3. Dieser Beschluss tritt sofort in Kraft.

65.

MONTÉNÉGRO, BELGIQUE.

Accession du Monténégro à l'union internationale pour la protection des œuvres littéraires et artistiques conclue à Berne, le 9 septembre 1886; mesures d'exécution, du 15 avril 1893

Moniteur belge, 26 avril 1893.

Ministère de l'intérieur et de l'instruction publique.

Union internationale de Berne pour la protection des œuvres littéraires et artistiques. — Accession de la Principauté de Monténégro. — Mesures d'exécution.

Léopold II, Roi des Belges,

A tous présents et à venir, Salut.

Vu la loi du 30 septembre 1887, portant approbation de la Convention concernant la création d'une Union internationale pour la protection des

œuvres littéraires et artistiques, conclue à Berne, le 9 septembre 1886 *), entre la Belgique, l'Allemagne, l'Espagne, la France, la Grande-Bretagne, Haïti, l'Italie, la Suisse et la Tunisie;

Vu la déclaration d'accession de la principauté de Monténégro à la convention dont il s'agit;

Vu l'article 14 de la dite convention et le n° 4 du protocole de clôture y annexé;

Vu les articles 22 et 38 de la loi du 22 mars 1886, sur le droit d'auteur;

Sur la proposition de Notre Ministre de l'intérieur et de l'instruction publique,

Nous avons arrêté et arrêtons:

Art. 1. — MM. les libraires-éditeurs, imprimeurs ou détaillants, faisaent le commerce d'objets protégés par l'Union internationale du 9 septembre 1886, sont invités à dresser l'inventaire de tous les ouvrages publiés ou en cours de publication d'après des ouvrages édités dans la principauté de Monténégro avant le 5 avril 1886 et dont la reproduction ne serait plus permise aux termes de l'article 14 de la convention précitée.

Art. 2. — L'exposition et la vente de ces exemplaires seront rendues licites par l'apposition d'un timbre spécial qui sera faite par les soins du département de l'intérieur et de l'instruction publique.

Les ouvrages en cours de publication ne pourront être achevés et mis en vente que si les parties parues avant le 5 avril 1886 ont été revêtues du timbre dont il s'agit.

Art. 3. — Les possesseurs de clichés, bois et planches gravés de toute sorte, ainsi que de pierres lithographiées ou d'autres appareils d'impression d'ouvrages originairement publiés dans la principauté de Montenegro et constituant des reproductions désormais interdites, sont également invités à en fournir l'inventaire.

Ces appareils pourront être utilisés jusqu'au 1 avril 1896, après qu'ils auront été revêtus d'une estampille spéciale.

Les exemplaires qui auront été fabriqués à l'aide d'appareils revêtus de l'estampille devront être timbrés pour pouvoir être mis en vente.

Ce timbre ne sera appliqué que jusqu'au 30 avril 1896.

Art. 4. — Les inventaires dont il est question aux articles 1 et 3 ci-dessus devront être dressés de la manière suivante;

A. Inventaire des reproductions non autorisées d'ouvrages originairement publiés dans la principauté de Monténégro, dont M... (nom, prénoms, qualité et domicile) demande l'estampillage, afin de pouvoir continuer á les vendre;

1°. Titre des ouvrages, nombre de volumes, indication des tomes ou des livraisons, ainsi que de l'édition: *a*) livres; *b*) compositions musicales; *c*) cartes, plans, estampes (pour les ouvrages en cours de publication, mentionner les volumes ou livraisons parus;

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*) V. **N. R. G.** 2e série XII. 173.

2°. Nom de l'auteur ou du compositeur;

3°. Nombre d'exemplaires à timbrer.

B. Inventaire des clichés, bois et planches gravés, pierres lithographiées ou autres appareils d'impression, dont M... (nom, prénoms, qualité et domicile) demande l'estampillage, afin de pouvoir les utiliser jusqu'au 1 avril 1896:

1°. Titre de l'ouvrage cliché ou du sujet de la reproduction;

2°. Nom de l'auteur ou du compositeur;

3°. Indication de l'objet déclaré (bois et planches gravés, clichés, pierres lithographiées, etc.);

4°. Dimension des bois, planches ou pierres.

Chacun de ces inventaires sera suivi d'une déclaration datée et signée, par laquelle l'intéressé certifie que les objets qui y figurent ont été mis au jour avant le 5 avril 1886.

Art. 5. — Les inventaires devront être envoyés au Ministère de l'intérieur et de l'instruction publique avant le 1 juillet 1893.

Art. 6. — L'application du timbre, dont il est question aux articles 2 et 3, se fera du 1 au 10 juillet 1893.

Elle se fera gratuitement.

Art. 7. — A partir du 11 juillet 1893, toute reproduction non autorisée des publications originairement mises au jour dans la principauté de Monténégro et non tombées dans le domaine public, qui serait mise en circulation ou en vente dans un but commercial quelconque, sans être revêtue du timbre, sera considérée comme une contrefaçon.

Art. 8. — Toute reproduction frauduleuse ou falsification des timbres sera passible des peines édictées par les lois.

Art. 9. — Notre Ministre de l'intérieur et de l'instruction publique est chargé de l'exécution du présent arrêté.

Donné à Bruxelles, le 15 avril 1893.

Léopold.

Par le Roi:

Le Ministre de l'intérieur
et de l'instruction publique,

J. de Burlet.

66.

GRANDE-BRETAGNE, AUTRICHE-HONGRIE.

Convention relative à la protection réciproque de la propriété littéraire et des droits d'auteurs; signé à Vienne le 24 avril 1893 *)

Parliamentary Papers 1896 [C.—8016].

Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, Empress of India, &c., and His Majesty the Emperor of Austria, King of Bohemia, &c., and Apostolic King of Hungary, animated with the desire to secure in the most complete manner, within their respective dominions, the rights of authors, or their legal representatives, over their literary or artistic works, have resolved to conclude a Convention to that effect, and have named as their Plenipotentiaries, that is to say:

Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, Empress of India, &c., the Right Honourable Sir Augustus Berkeley Paget, Knight Grand Cross of the Most Honourable Order of the Bath, a Member of Her Britannic Majesty's Most Honourable Privy Council, Her Majesty's Ambassador Extraordinary and Plenipotentiary to His Imperial and Royal Apostolic Majesty, &c., &c., &c.;

His Majesty the Emperor of Austria, King of Bohemia, &c., and Apostolic King of Hungary, the Count Gustave Kálnoky de Köröspatak, Knight of the Golden Fleece, Knight Grand Cross of the Order of St. Stephen, Knight

Ihre Majestät die Königin des Vereinigten Königreiches von Grossbritannien und Irland, Kaiserin von Indien, etc., und Seine Majestät der Kaiser von Oesterreich, König von Böhmen, etc., und Apostolischer König von Ungarn, von dem Wunsche beseelt, die Rechte der Urheber von Werken der Literatur oder Kunst und der Rechtsnachfolger der Urheber in den beiderseitigen Staatsgebieten in wirksamer Weise zu sichern, haben beschlossen, zu diesem Behufe einen besonderen Vertrag zu schliessen und demgemäss zu Ihren Bevollmächtigten ernannt:

Ihre Majestät die Königin des Vereinigten Königreiches von Grossbritannien und Irland, Kaiserin von Indien, etc., den sehr ehrenwerthen Sir Augustus Berkeley Paget, Grosskreuz des höchst ehrenwerthen Bath-Ordens, Mitglied des höchst ehrenwerthen geheimen Rathes Ihrer Britannischen Majestät, Ihrer Majestät ausserordentlichen und bevollmächtigten Botschafter bei Seiner kaiserlichen und königlichen Apostolischen Majestät, etc., etc., etc.

Seine Majestät der Kaiser von Oesterreich, König von Böhmen, etc., und Apostolischer König von Ungarn, den Herrn Gustav Grafen Kálnoky von Köröspatak, Ritter des Ordens vom goldenen Vliesse, Grosskreuz des

*) Les ratifications ont été échangées à Vienne le 14 avril 1894.

of the Order of Leopold, His Imperial and Royal Apostolic Majesty's Privy Councillor and Chamberlain, Minister of the Imperial House and of Foreign Affairs, General of Cavalry, &c.,&c.,&c.;

Who, having communicated to each other their respective full powers, found in good and due form, have agreed upon the following Articles:—

Article I.

Authors of literary or artistic works and their legal representatives, including publishers, shall enjoy reciprocally, in the dominions of the High Contracting Parties, the advantages which are, or may be, granted by law there for the protection of works of literature or art.

Consequently, authors of literary or artistic works which have been first published in the dominions of one of the High Contracting Parties, as well as their legal representatives, shall have in the dominions of the other High Contracting Party the same protection and the same legal remedy against all infringement of their rights as if the work had been first published in the country where the infringement may have taken place.

In the same manner, the authors of literary or artistic works, and their legal representatives, who are subjects of one of the High Contracting Parties, or who reside within its dominions of the other Contracting Party enjoy the same protection and the same legal remedies against all infringements of their rights as though they were subjects of or residents in the State in which the infringement may have taken place.

St. Stephan-Ordens, Ritter des Leopold-Ordens, Allerhöchst Ihren Geheimen Rath und Kämmerer, Minister des kaiserlichen Hauses und des Aeussern, General der Cavallerie, etc., etc., etc.;

Welche, nachdem sie sich gegenseitig ihre Vollmachten mitgetheilt und dieselben in guter und gehöriger Ordnung befunden, die folgendən Artikel vereinbart haben:—

Artikel I.

Die Urheber von Werken der Literatur oder Kunst und deren Rechtsnachfolger mit Inbegriff der Verleger sollen in den Staatsgebieten der hohen vertragschliessenden Theile gegenseitig sich der Vortheile zu erfreuen haben, welche daselbst zum Schutze von Werken der Literatur oder Kunst gesetzlich eingeräumt sind oder eingeräumt werden.

Es werden daher die Urheber von Werken der Literatur oder Kunst, deren Werke in dem Gebiete des einen der hohen vertragschliessenden Theile zuerst veröffentlicht worden sind, ebenso wie ihre Rechtsnachfolger in dem Gebiete des anderen Theiles denselben Schutz und dieselbe rechtliche Hilfe gegen jede Beeinträchtigung ihrer Rechte geniessen, als wenn das Werk dort zuerst veröffentlicht worden wäre, wo die Beeinträchtigung erfolgt ist.

In gleicher Weise werden die Urheber von Werken der Literatur oder Kunst und deren Rechtsnachfolger, welche einem der hohen vertragschliessenden Theile als Staatsbürger angehören oder in dessen Gebiet wohnen in dem Gebiete des anderen Theiles denselben Schutz und dieselbe rechtliche Hilfe gegen jede Beeinträchtigung ihrer Rechte geniessen, als wenn sie dort, wo die Beeinträchtigung erfolgt ist, staatsangehörig oder wohnhaft wären.

These advantages shall only be reciprocally guaranteed to authors and their legal representatives when the work in question is also protected by the laws of the State where the work was first published, and the duration of protection in the other country shall not exceed that which is granted to authors and their legal representatives in the country where the work was first published.

Article II.

The right of translation forming part of the copyright, the protection of the right of translation is assured under the conditions laid down by this Convention. If ten years after the expiry of the year in which a work to be protected in Her Majesty's dominions on the basis of this Convention has appeared, no translation in English has been published, the right of translating the work into English shall no longer within those dominions exclusively belong to the author.

In the case of a book published in numbers, the aforesaid period of ten years shall commence at the end of the year in which each number is published.

Article III.

Authorized translations are protected as original works. They consequently enjoy the full protection granted by this Convention against the unauthorized reproduction of original works.

It is understood that in the case

Diese Vortheile sollen den Urhebern und ihren Rechtsnachfolgern jedoch gegenseitig nur in dem Falle gewährt werden, wenn das betreffende Werk auch durch die Gesetze des Staates, wo das Werk zuerst veröffentlicht worden ist, geschützt ist und sollen in dem anderen Gebiete nicht über die First hinaus dauern, welche durch die Gesetze des Staates, wo das Werk zuerst veröffentlicht worden ist, den Urhebern und ihren Rechtsnachfolgern eingeräumt ist.

Artikel II.

Da das Uebersetzungsrecht einen Bestandtheil der Urheberrechte bildet, so ist insbesonders auch der Schutz des Uebersetzungsrechtes unter den in dieser Convention enthaltenen Bedingungen gewährleistet.

Wenn zehn Jahre nach Ablauf des Jahres, in welchem ein auf Grund dieser Convention in den Staatsgebieten Ihrer Majestät zu schützendes Werk erschienen ist, eine Uebersetzung in die englische Sprache nicht herausgegeben worden ist, so soll das Recht zur Uebersetzung des Werkes in die englische Sprache auch in den bezeichneten Staatsgebieten dem Urheber nicht mehr ausschliesslich zustehen.

Wurde ein Buch in Lieferungen veröffentlicht, so beginnt die oben bestimmte zehnjährige Frist mit dem Ende jenes Jahres, in welchem jede einzelne Lieferung veröffentlicht worden ist.

Artikel III.

Rechtmässige Uebersetzungen werden wie Originalwerke geschützt. Sie geniessen demzufolge den vollen Schutz, welcher durch den gegenwärtigen Vertrag rücksichtlich der unbefugten Wiedergabe von Originalwerken festgesetzt ist.

Wenn es sich indessen um ein Werk

of a work for which the translating right has fallen into the public domain, the translator cannot oppose the translation of the same work by other writers.

Article IV.

The expression "literary or artistic works" comprehends books, pamphlets, and all other writings; dramatic or dramaticomusical works, musical compositions, with or without words; works of design, painting, sculpture, and engraving, lithographs, illustrations, geographical charts, plans, sketches, and plastic works relating to geography, topography, architecture, or science, in general; in fact, every production whatsoever in the literary, scientific, or artistic domain which can be published by any mode of impression or reproduction.

Article V.

In the British Empire and in the kingdoms and States represented in the Austrian Reichsrath, the enjoyment of the rights secured by the present Convention is subject only to the accomplishment of the conditions and formalities prescribed by the law of that State in which the work is first published; and no further formalities or conditions shall be required in the other country.

Consequently, it shall not be necessary that a work which has obtained legal protection in one country should be registered, or copies thereof deposited in the other country, in order that the remedies against infringement may be obtained which

handelt, betreffs dessen das Recht zur Uebersetzung allgemein freisteht, so steht dem Uebersetzer kein Einspruch gegen die Uebersetzung des Werkes durch andere Schriftsteller zu.

Artikel IV.

Der Ausdruck "Werke der Literatur oder Kunst" umfasst Bücher, Broschüren und alle anderen Schriftwerke; dramatische und dramatisch-musikalische Werke, musikalische Compositionen mit oder ohne Text; Werke der zeichnenden Kunst, der Malerei, der Bildhauerei, Stiche, Lithographien, Illustrationen, geographische Karten, geographische, topographische, architektonische oder sonstige wissenschaftliche Pläne, Skizzen und Darstellungen plastischer Art; überhaupt jedes Erzeugniss aus dem Bereiche der Literatur, Wissenschaft oder Kunst, welches im Wege des Drucks oder sonstiger Vervielfältigung veröffentlicht werden kann.

Artikel V.

Im britischen Reiche und in den im österreichischen Reichsrathe vertretenen Königreichen und Ländern ist der Genuss der durch den gegenwärtigen Vertrag gewährleisteten Rechte nur von der Erfüllung jener Bedingungen und Förmlichkeiten abhängig, welche durch die Gesetzgebung des Staates, wo das Werk zuerst veröffentlicht worden ist, vorgeschrieben sind, und werden keine weiteren Förmlichkeiten und Bedingungen in dem anderen Gebiete gefordert werden.

Es ist daher nicht nothwendig, dass ein in dem einen Gebiete gesetzlich geschütztes Werk in dem anderen eingetragen werde, oder dass Abdrücke oder Abzüge desselben dort hinterlegt werden, um jene rechtliche Hilfe gegen Beeinträchtigung zu erlangen,

are granted in the other country to works first published there.

In the dominions of the Hungarian Crown the enjoyment of these rights is subject, however, to the accomplishment of the conditions and formalties prescribed by the Laws and Regulations both of Great Britain and of Hungary.

Article VI.

In order that the authors of works protected by the present Convention shall, in the absence of proof to the contrary, be considered as such, and be, consequently, admitted to institute proceedings in respect of the infringement of copyright before the Courts of the other State, it will suffice that their name be indicated on the work in the accustomed manner.

The Tribunals may, however, in cases of doubt, require the production of such further evidence as may be required by the Laws of the respective countries.

For anonymous or pseudonymous works the publisher whose name is indicated on the work is entitled to protect the rights belonging to the author. He is, without other proof, reputed the legal representative of the anonymous or pseudonymous author, until the latter or his legal representative has declared and proved his rights.

Article VII.

The provisions of the present Convention cannot in any way derogate from the right of each of the High Contracting Parties to control, or to prohibit by measures of domestic legislation or police, the circulation,

welche in dem anderen Lande den daselbst zuerst veröffentlichten Werken gewährt wird.

In den Ländern der ungarischen Krone ist der Genuss dieser Rechte indessen von der Erfüllung der Bedingungen und Förmlichkeiten abhängig, welche durch die Gesetze und Vorschriften sowohl Grossbritanniens als auch Ungarns vorgeschrieben sind.

Artikel VI.

Damit die Urheber der durch den gegenwärtigen Vertrag geschützten Werke bis zum Beweise des Gegentheiles als solche angesehen und demgemäss vor den Gerichten des anderen hohen vertragschliessenden Theiles zur Verfolgung von Beeinträchtigungen der Urheberrechte zugelassen werden, genügt es, wenn ihr Name in der üblichen Weise auf dem Werke angegeben ist.

Dessenungeachtet können die Gerichte in zweifelhaften Fällen die Beibringung einer solchen weiteren Bescheinigung verlangen, wie dieselbe nach den Gesetzen des betreffenden Gebietes gefordert werden kann.

Bei anonymen oder pseudonymen Werken ist der Verleger, dessen Name auf dem Werke angegeben ist, zur Wahrnehmung der dem Urheber zustehenden Rechte befugt. Derselbe gilt ohne weiteren Beweis als Rechtsnachfolger des anonymen oder pseudonymen Urhebers, bis nicht der Urheber oder sein Rechtsnachfolger ihre Rechte offenbar machen und nachweisen.

Artikel VII.

Die Bestimmungen des gegenwärtigen Vertrages sollen in keiner Beziehung das jedem der hohen vertragschliessenden Theile zustehende Recht beeinträchtigen, durch Massregeln der Gesetzgebung oder inneren Verwaltung

representation, exhibition, or sale of any work or production.

Each of the High Contracting Parties reserves also its right to prohibit the importation into its own territory of works which, according to its internal Laws, or to the stipulations of Treaties with other States, are or may be declared to be illicit reproductions.

Article VIII.

The provisions of the present Convention shall be applied to literature or artistic works produced prior to the date of its coming into effect, subject, however, to the limitations prescribed by the following Regulations:—

(*a.*) In the Austro-Hungarian Monarchy—

Copies completed before the coming into force of the present Convention, the production of which has been hitherto allowed, can also be circulated in future.

In the same manner, appliances for the reproduction of works, such as stereotypes, woodblocks, and engraved plates of every description, such as lithographers' stones, if their production has not hitherto been prohibited may continue to be used during a period of four years from the coming into force of the present Convention.

The distribution of such copies, and the use of the said appliances, is, however, only permitted if an inventory of the said copies and appliances is taken by the Government inquestion, in consequence of an application of the interested party,

die Verbreitung, die Aufführung, die Ausstellung oder das Feilbieten eines jeden Werkes oder Erzeugnisses zu überwachen oder zu untersagen.

Jedem der hohen vertragschliessenden Theile bleibt gleicherweise das Recht gewahrt, die Einfuhr solcher Werke in sein eigenes Gebiet zu verbieten, welche nach seinen inneren Gesetzen oder in Gemässheit seiner vertragsmässigen Vereinbarungen mit anderen Staaten als unerlaubte Wiedergabe erklärt sind oder erklärt werden.

Artikel VIII.

Die Bestimmungen dieses Vertrages sollen auch auf Werke der Literatur oder Kunst Anwendung finden, welche vor dem Inkrafttreten desselben hergestellt worden sind.

Hierbei haben jedoch die aus den nachstehenden Anordnungen sich ergebenden Beschränkungen platzzugreifen, und zwar:—

(*a.*) In der österreichisch-ungarischen Monarchie—

Die vor dem Inkrafttreten dieses Vertrages angefertigten Exemplare, deren Herstellung bisher erlaubt war, können auch ferner verbreitet werden.

Desgleichen können die Vorrichtungen zur Vervielfältigung der Werke, wie Stereotypen, Holzstöcke und gestochene Platten aller Art, sowie lithographische Steine, wenn deren Herstellung bisher nicht verboten war, während eines Zeitraumes von vier Jahren vom Inkrafttreten des gegenwärtigen Vertrages an noch benützt werden.

Die Verbreitung solcher Exemplare und die Benützung der bezeichneten Vorrichtungen ist aber nur dann gestattet, wenn infolge eines von der betheiligten Partei binnen drei Monaten von dem Inkrafttreten dieses Vertrages gestellten Ansuchens durch die be-

within three months from the coming into force of the present Convention, and if these copies and appliances are marked with a special stamp.

Dramatic and dramatico-musical works or musical compositions legally performed before the coming into force of the present Convention, can also be performed in the future.

(*b.*) In the United Kingdom of Great Britain and Ireland—

The author and publisher of any literary or artistic work first produced before the date at which this Convention comes into effect shall be entitled to all legal remedies against infringement; provided that where any person has, before the date of the publication of the Order in Council putting this Convention into effect, lawfully produced any work in the United Kingdom, any rights or interests arising from or in connection with such production, which are subsisting and valuable at the said date, shall not be diminished or prejudiced.

Article IX.

The provisions of the present Convention shall apply to all the Colonies and foreign possessions of Her Britannic Majesty, excepting to those hereinafter named, that is to say, except to—

India.
The Dominion of Canada.
Newfoundland.
The Cape.
Natal.
New South Wales.

treffende Regierung ein Inventar der bezeichneten Exemplare und Vorrichtungen aufgenommen wurde, und diese Exemplare und Vorrichtungen mit einem besonderen Stempel versehen worden sind.

Die vor dem Inkrafttreten des gegenwärtigen Vertrages rechtmässig zur Aufführung gebrachten dramatischen oder dramatisch-musikalischen Werke und musikalischen Compositionen können auch ferner aufgeführt werden.

(*b.*) Im vereinigten Königreiche Grossbritannien und Irland—

Der Urheber und der Herausgeber irgend eines Werkes der Literatur oder Kunst, welches vor dem Tage, an dem dieser Vertrag in Wirksamkeit tritt, hergestellt worden ist, soll zu allen gesetzlichen Rechtsmitteln gegen Beeinträchtigung befugt sein; wenn jedoch irgend Jemand vor der Veröffentlichung der Regierungs-Verordnung, welche diesen Vertrag in Wirksamkeit setzt, ein Werk in dem vereinigten Königreiche rechtmässig hergestellt hat, so sollen alle Rechte und Interessen, die aus einer solchen oder im Zusammenhange mit einer solchen Herstellung entstanden sind, und welche in dem bezeichneten Zeitpunkte bestehen und in Geltung sind, nicht vermindert oder beeinträchtigt werden.

Artikel IX.

Die Bestimmungen des gegenwärtigen Vertrages sollen Anwendung finden in allen Colonien und auswärtigen Besitzungen Ihrer britannischen Majestät mit Ausnahme der hier nachbenannten, also mit Ausnahme von—

Indien.
Das Gebiet von Canada.
Newfoundland.
Capland.
Natal.
Neu-Süd-Wales,

Victoria.
Queensland.
Tasmania.
South Australia.
Western Australia.
New Zealand.

Provided always that the provisions of the present Convention shall apply to any of the above-named Colonies or foreign possessions on whose behalf notice to that effect shall have been given by Her Britannic Majesty's Representative at the Court of His Imperial and Royal Apostolic Majesty within two years from the date of the exchange of ratifications of the present Convention.

Article X.

The present Convention shall remain in force for ten years from the day on which the ratifications are exchanged; and in case neither of the two High Contracting Parties shall have given notice twelve months before the expiration of the said period of ten years of their intention of terminating the present Convention, it shall remain in force until the expiration of one year from the day on which either of the High Contracting Parties shall have given such notice.

Her Britannic Majesty's Government shall also have the right to denounce the Convention in the same manner, on behalf of any of the Colonies or foreign possessions mentioned in Article IX, separately.

Article XI.

The present Convention shall be ratified, and the ratifications shall be exchanged at Vienna as soon as possible. It shall come into effect

Victoria.
Queensland.
Tasmanien.
Süd-Australien.
West-Australien.
Neu-Seeland.

Sollen jedoch die Bestimmungen des gegenwärtigen Vertrages auf eine der obengenannten Colonien oder auswärtigen Besitzungen zur Anwendung gelangen, so hat zu diesem Ende durch Ihrer britannischen Majestät Vertreter bei seiner kaiserlichen und königlichen Apostolischen Majestät eine betreffende Erklärung abgegeben zu werden, und zwar innerhalb zweier Jahre vom Tage des Austausches der Ratificationen des gegenwärtigen Vertrages.

Artikel X.

Der gegenwärtige Vertrag wird durch zehn Jahre von dem Tage des Austausches der Ratificationen in Kraft bleiben, und in dem Falle, dass keiner der hohen vertragschliessenden Theile zwölf Monate vor dem Ablaufe des besagten zehnjährigen Zeitraumes seine Absicht den gegenwärtigen Vertrag aufhören zu lassen, kundgibt, wird der gegenwärtige Vertrag in Kraft verbleiben bis zum Ablaufe eines Jahres, von dem Tage ab gerechnet, an welchem einer der hohen vertragschliessenden Theile eine solche Erklärung abgibt.

Ihrer britannischen Majestät Regierung steht auch das Recht zu, den Vertrag in derselben Weise rücksichtlich einer der im Artikel IX erwähnten Colonien oder auswärtigen Besitzungen einzeln zu kündigen.

Artikel XI.

Der gegenwärtige Vertrag soll ratificirt, und die Ratificationsurkunden sollen sobald als möglich in Wien ausgetauscht werden. Er wird zehn

ten days after its publication in conformity with the forms prescribed by the Laws of the High Contracting Parties respectively.

Tage nach seiner in Gemässheit der nach den einschlägigen Gesetzen der hohen vertragschliessenden Theile erfolgten Verlautbarung in Wirksamkeit treten.

In witness whereof, the respective Plenipotentiaries have signed this Convention, and have hereunto affixed their seals.

Zu Urkund dessen haben die beiderseitigen Bevollmächtigten den gegenwärtigen Vertrag unterfertigt und mit ihrem Siegel versehen.

Done at Vienna, the 24th day of April, in the year of our Lord one thousand eight hundred and ninety-three.

So geschehen, in Wien am 24. Tage des Monats April im Jahre des Heiles Eintausend achthundert dreiundneunzig.

(L. S.) (Signed) *A. B. Paget.*
(L. S.) *Kálnoky.*

List of British Colonies and possessions which have acceded to the above Convention under Article IX.

Newfoundland	September 29, 1894.
India	October 5, 1894.
Victoria	October 5, 1894.
Queensland...	October 5, 1894.
New Zealand	October 26, 1894.
Western Australia	November 14, 1894.
Natal	November 14, 1894.
South Australia	December 10, 1894.

The following British Colonies have not acceded to the Convention.

The Dominion of Canada.
The Cape.
New South Wales.
Tasmania.

67.

BELGIQUE, LUXEMBOURG.

Déclaration additionnelle à la Convention d'extradition du 23 octobre 1872; signée à Luxembourg le 25 avril 1893.

Moniteur belge, 2 décembre 1893.

Déclaration.

Le gouvernement de Sa Majesté le Roi des Belges et le gouvernement de Son Altesse Royale le Grand-Duc de Luxembourg ayant jugé utile de

modifier en certains points la Convention d'extradition du 23 octobre 1872 *) sont convenus par la présente Déclaration de ce qui suit:

Art. 1. — L'article 7 de la Convention du 23 octobre 1872 est remplacé par les dispositions suivantes:

„Il est expressément stipulé que l'étranger dont l'extradition aura été accordée ne pourra être poursuivi ou puni pour aucun délit politique antérieur à l'extradition, ni pour aucun fait connexe à un semblable délit, ni pour aucun des crimes ou délits non prévus par la présente Convention.

Ne sera pas réputé délit politique ni fait connexe à un semblable délit, l'attentat contre la personne du chef d'un Etat étranger ou contre celle des membres de sa famille, lorsque cet attentat constituera le fait soit de meurtre, soit d'assassinat, soit d'empoisonnement.

L'individu extradé pourra toutefois être poursuivi ou puni contradictoirement dans les cas suivants, pour une infraction autre que celle qui a motivé l'extradition:

1°. S'il a demandé à être jugé ou à subir sa peine, auquel cas sa demande sera communiquée au gouvernement qui l'a livré;

2°. S'il n'a pas quitté, pendant le mois qui suit son élargissement définitif, le pays auquel il a été livré;

3°. Si l'infraction est comprise dans la Convention et si le gouvernement auquel il a été livré a obtenu préalablement l'adhésion du gouvernement qui a accordé l'extradition. Ce dernier pourra, s'il le juge convenable, exiger la production de l'un des documents mentionnés dans l'article 3 de la Convention.

La réextradition à un pays tiers est soumise aux mêmes règles."

Art. 2. — La présente Déclaration entrera en vigueur dix jours après sa publication dans les formes prescrites par la législation des deux pays; elle aura la même durée que la Convention du 23 octobre 1872 et la Déclaration du 21 juin 1877 auxquelles elle se rapporte.

En foi de quoi les soussignés ont dressé le présent acte qu'ils ont revêtu de leurs cachets.

Fait en double exemplaire, à Luxembourg, be 25 avril 1893.

Le chargé d'affaires ad interim,
de Belgique,
Cte Arschot.
(L. S.)

Le Ministre d'Etat,
président du gouvernement
du grand-duché du Luxembourg,
Eyschen.
(L. S.)

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*) V. **N. R. G.** 2e série I, 189.

68.

SUÈDE ET NORVÈGE, AUTRICHE-HONGRIE.

Déclaration faite pour modifier les stipulations au sujet du traitement réciproque dans les pays respectifs des commis-voyageurs contenues dans l'article 6 du Traité de Commerce et de Navigation du 3 novembre 1873; signée à Vienne le 25 avril 1893.*)

Svensk Författnings-Samling 1893 No. 59.

Au dernier alinéa de l'article 6 du Traité de Commerce et de Navigation entre les Royaumes Unis de Suède et de Norvège et l'Autriche-Hongrie du 3 Novembre 1873*) est substitué le texte suivant:

Les commis-voyageurs autrichiens et hongrois en Suède ou en Norvège et, réciproquement, les commis-voyageurs suédois et norvégiens en Autriche ou en Hongrie jouiront, sous le rapport des impôts, du traitement de la nation la plus favorisée.

La présente Déclaration aura la même force et durée que le Traité de Commerce et de Navigation du 3 Novembre 1873 auquel elle se rattache.

La présente Déclaration sera ratifiée et les ratifications en seront échangées à Vienne le plus tôt possible.

En foi de quoi les Soussignés l'ont signée et y ont apposé leurs cachets.

Fait à Vienne, en double expédition, le 25 Avril 1892.

(L. S.) *G. Lewenhaupt.*
(L. S.) *Kálnoky.*

69.

ITALIE, ZANZIBAR

Arrangement additionel au traité du 12 août 1892; signé à Zanzibar le 15 mai 1893.

Trattati e Convenzioni fra il Regno d'Italia e gli altri Stati, Vol. XIII, Rome 1895.

Le Gouvernement de Sa Hautesse le Sultan de Zanzibar et dépendances de la côte orientale d'Afrique, par le présent contrat-annexe, accorde au Gouvernement de Sa Majesté le Roi d'Italie l'exercice provisoire pendant trois années de la convention du 12 août 1892, signée ad referendum

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*) Les ratifications ont été échangées à Stockholm le 30 juin 1893 et à Vienne le 12 juin 1893.

) V. **N. R. G. 2e série I, 539.

par sir Gerald Portal et M. Pierre Cottoni, pour la concession des villes, ports et territoires énumérés à l'article I de la dite convention, aux conditions stipulées dans les articles suivants:

Art. I. — Si le Gouvernement de Sa Majesté le Roi d'Italie, ou la Compagnie qui le représentera, abandonne les susdites villes du Bénadir dans le délai ou à la fin de trois ans à partir du seize juillet mil huit cent quatre-vingt-treize (16 juillet 1893) et rejette ainsi la convention signée le 12 août 1892, le Gouvernement de Sa Majesté le Roi d'Italie s'engage à payer au Gouvernement de Sa Hautesse le Sultan, aussitôt après l'abandon, une somme de cinquante mille roupies pour indemnité de dépenses qu'occasionnerait au Gouvernement de Sa Hautesse le Sultan le rétablissement de son administration dans les villes et ports du Bénadir, et cette indemnité à payer serait de cent mille roupies si le pays avait été en état de guerre dans les trois mois qui précéderaient l'abandon.

Art. II. — En cas d'abandon des villes du Bénadir comme il est dit à l'article précédent, les travaux publics tels que routes, signes et marques pour la navigation (leading marks) et autres travaux pour lesquels il serait impossible de fixer la valeur en argent et que la Compagnie italienne ne pourrait ni céder à des tiers ni exploiter elle-même, seront abandonnés gratuitement au gouvernement de Sa Hautesse le Sultan. La réalisation de tous les autres travaux publics sera réglée par l'article VII de la convention du 12 août 1892.

Art. III. — La prime de quarante mille roupies que le Gouvernement de Sa Majesté le Roi d'Italie s'est engagé à payer au Gouvernement de Sa Hautesse le Sultan de Zanzibar, suivant l'art. VIII de la convention entrera définitivement en vigueur, c'est-à-dire, après les trois années d'exercice provisoire accordées par le présent contrat-annexe et dans le cas où le pays ne serait pas abandonné par le Gouvernement de Sa Majesté le Roi d'Italie à la fin de cet exercice provisoire.

Art. IV. — L'exercice provisoire pour trois années de la convention du 12 août 1892, qui fait l'objet du présent contrat-annexe, commencera le seize juillet mil huit cent quatre-vingt-treize (16 juillet 1893), pour finir le quinze juillet mil huit cent quatre-vingt-seize (15 juillet 1896). Pendant cette période les clauses et conditions de la convention du 12 août 1892 conserveront toute leur valeur en ce qu'elles ne seront pas modifiées par le présent contrat.

Art. V. — Si les ports et villes de Bénadir n'avaient pas été abandonnés avant le quinze juillet mil huit cent quatre-vingt-seize (15 juillet 1896) la convention signée ad referendum le 12 août 1892 par sir Gerald Portal et M. P. Cottoni, entrerait en vigueur à partir du dit jour avec toutes ses clauses et conditions.

Art. VI. — Le présent contrat n'aura de valeur qu'après qu'il aura été approuvé par le Gouvernement de Sa Majesté la Reine de la Grande Bretagne et Irlande, Impératrice des Indes et par le Gouvernement de Sa Majesté le Roi d'Italie.

Art. VII. — La présente convention a été faite en six copies, dont trois en englais et trois en français.

En foi de quoi, MM. Rennell Rodd, Agent diplomatique et Consul

général de Sa Majesté Britannique A. I. et P. Cottoni, gérant du Consulat de Sa Majesté le Roi d'Italie, ont signé les présentes et y ont apposé leurs sceaux.

Fait à Zanzibar, le quinze du mois de mai mil huit cent quatre-vingt-treize.

(L. S.) *P. Cottoni.*
(L. S.) *Rennell Rodd.*

70.

BELGIQUE.

Arrêté royal concernant l'enregistrement international des marques de fabrique, donné à Laeken le 23 mai 1893.

Publication officielle, Bruxelles.

Concernant l'enregistrement international des marques de fabrique.

Léopold II, Roi des Belges,

A tous présents et à venir, Salut.

Vu la loi du 13 juin 1892, qui approuve l'arrangement concernant l'enregistrement international des marques de fabrique ou de commerce, signé à Madrid, le 14 avril 1891;

Vu la loi du 5 juillet 1884, qui approuve la convention conclue à Paris, le 20 mars 1883, pour la protection de la propriété industrielle;

Considérant qu'il importe de régler les formalités à remplir pour l'enregistrement international des marques de fabrique ou de commerce déposées dans le pays;

Sur la proposition de Notre Ministre des affaires étrangères et de Notre Ministre de l'agriculture, de l'industrie et des travaux publics.

Nous avons arrêté et arrêtons:

Art. 1. — Toute personne domiciliée en Belgique ou y possédant un établissement industriel ou commercial, propriétaire d'une marque de fabrique ou de commerce déposée conformément à la loi du 1 avril 1879 et à l'arrêté du 7 juillet 1879, pris en exécution de cette loi, qui veut s'assurer la protection de cette marque dans les États qui ont adhéré à l'arrangement du 14 avril 1891 concernant l'enregistrement international des marques de fabrique ou de commerce, adressera au Ministère de l'agriculture, de l'industrie et des travaux publics, direction de l'industrie, service de la propriété industrielle:

1°. Une demande d'enregistrement, en double exemplaire, dressée sur formulaire officiel.

Cette demande devra mentionner les nom, profession et adresse du propriétaire de la marque, le numéro d'ordre et la date de l'enregistrement de cette marque en Belgique;

2°. Un modèle en double exemplaire de la marque, séparé de la demande d'enregistrement.

Ce modèle, dressé sur papier libre, devra être tracé dans un cadre qui ne pourra dépasser 8 centimètres de haut sur 10 centimètres de large;

3°. Un cliché de la marque pour la reproduction typographique de cette dernière dans la publication qui en sera faite par le bureau international.

Ce cliché doit reproduire exactement la marque enregistrée en Belgique, de telle manière que tous les détails en ressortent visiblement, il ne doit pas avoir moins de 15 millimètres ni plus de 10 centimètres soit en longueur, soit en largeur.

L'épaisseur exacte du cliché doit être de 24 millimètres, correspondant à la hauteur des caractères d'imprimerie;

4°. Une quittance, délivrée par un receveur de l'enregistrement, constatant le versement d'une somme de 100 francs;

5°. Une procuration, si la demande d'enregistrement est faite par un mandataire. Cette procuration pourra être sous seing privé, mais elle devra être enregistrée.

Les formulaires pour demandes d'enregistrement sont délivrés gratuitement par le Ministère de l'agriculture, de l'industrie et des travaux publics, direction de l'industrie, service de la propriété industrielle.

Les demandes incomplètes ou irrégulières seront retournées immédiatement.

Art. 2. — Aussitôt après leur admission par le Ministère de l'agriculture, de l'industrie et des travaux publics, les demandes d'enregistrement international seront transmises au Bureau international de la propriété industrielle, à Berne.

Art. 3. — Dès que le Bureau international de la propriété industrielle, à Berne, aura notifié au Ministère de l'agriculture, de l'industrie et des travaux publics l'enregistrement international d'une marque belge, avis en sera donné au requérant, qui recevra en même temps un exemplaire du certificat d'enregistrement signé par le bureau international.

Art. 4. — Si une marque a fait l'objet d'une cession et si les intéressés en font la demande, le service de la propriété industrielle du Ministère de l'agriculture, de l'industrie et des travaux publics donnera avis de cette transmission au Bureau international de la propriété industrielle, à Berne, pourvu que les formalités prescrites par l'article 7 de la loi du 1 avril 1879 et par l'article 9 de l'arrêté du 7 juillet 1879 aient été observées.

Art. 5. — Les annulations de marques, en vertu d'une décision judiciaire, dont les greffiers auront, conformément à l'article 10 de l'arrêté royal du 7 juillet 1879, donné avis au Ministère de l'agriculture, de l'industrie et des travaux publics, seront notifiées par le service spécial de la propriété industrielle au Bureau international.

Art. 6. — Notre Ministre des affaires étrangères et Notre Ministre de l'agriculture, de l'industrie et des travaux publics sont chargés de l'exécution du présent arrêté.

Donné à Laeken, le 23 mai 1893.

Léopold.

Par le Roi:
Le Ministre des Affaires Étrangères,
Comte de Mérode-Westerloo.

Le Ministre de l'Agriculture,
de l'Industrie et des Travaux Publics,
Léon de Bruyn.

71.

NORVÈGE, ÉTATS-UNIS D'AMÉRIQUE.

Traité conclu pour régler l'extradition des criminels fugitives; signé à Washington le 7 juin 1893.*)

Overenskomster med fremmede Stater 1894 No. 1. Udgiver E. R. Bätzmann.

His Majesty the King of Sweden and Norway and the United States of America being desirous to confirm their friendly relations and to promote the cause of justice, have resolved to conclude a new treaty for the extradition of fugitives from justice between the Kingdom of Norway and the United States of America and have appointed for that purpose the following Plenipotentiaries:

His Majesty the King of Sweden and Norway, J. A. W. Grip, His Majesty's Envoy Extraordinary and Minister Plenipotentiary to the United States and

The President of the United States of America, W. Q. Gresham, Secretary of State of the United States,

who, after having communicated to each other their respective full powers, found in good and due form, have agreed upon and concluded the following articles:

Art. 1. — The Government of Norway and the Government of the United States mutually agree to deliver up persons who, having been charged with or convicted of any of the crimes and offenses specified in the following article, committed within the jurisdiction of one of the contracting parties, shall seek an asylum or be found within the territories of the other: Provided, that this shall only be done upon such evidence of criminality as, according to the laws of the place where the fugitive or person so charged shall be found, would justify his or her apprehension and commitment for trial if the crime or offence had been there committed.

Art. 2. — Extradition shall be granted for the following crimes and offenses:

1. Murder, comprehending assassination, parricide, infanticide, and poisoning; attempt to commit murder; manslaughter, when voluntary.

2. Arson.

3. Robbery, defined to be the act of feloniously and forcibly taking from the person of another money or goods. by violence or putting him in fear; burglary.

4. Forgery, or the utterance of forged papers; the forgery or falsification of official acts of government, of public authorities, or of courts of justice, or the utterance of the thing forged or falsified.

5. The counterfeiting, falsifying or altering of money, whether coin or paper, or of instruments of debt created by national, state, provincial, or

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*) Les ratifications ont été échangées le 8 novembre 1893.

municipal governments, or of coupons thereof, or of bank notes, or the utterance or circulation of the same; or the counterfeiting, falsifying or altering of seals of state.

6) Embezzlement by public officers; embezzlement by persons hired or salaried, to the detriment of their employers; larceny.

7) Fraud or breach of trust by a bailee, banker, agent, factor, trustee or other person acting in a fiduciary capacity, or director or member or officer of any company, when such act is made criminal by the laws of both countries and the amount of money or the value of the property misappropriated is not less than $ 200 or Kronor 740.

8. Perjury; subornation of perjury.

9. Rape; abduction; kidnapping.

10. Wilful and unlawful destruction or obstruction of railroads which endangers human life.

11. Crimes committed at sea:

(*a*) Piracy, by statute or by the law of nations.

(*b*) Revolt, or conspiracy to revolt, by two or more persons on board a ship on the high seas against the authority of the master.

(*c*) Wrongfully sinking or destroying a vessel at sea, or attempting to do so.

(*d*) Assaults on board a ship on the high seas with intent to do grievous bodily harm.

12. Crimes and offenses against the laws of both countries for the suppression of slavery and slavetrading.

Extradition is also to take place for participation in any of the crimes and offenses mentioned in this Treaty, provided such participation may be punished, in Norway by imprisonment at hard labour, and in the United States as a felony.

Art. 3. — Requisitions for the surrender of fugitives from justice shall be made by the diplomatic agents of the contracting parties, or in the absence of these from the country or its seat of government, may be made by the superior consular officers.

If the person whose extradition is requested shall have been convicted of a crime or offense, a duly authenticated copy of the sentence of the court in which he was convicted, or if the fugitive is merely charged with crime, a duly authenticated copy of the warrant of arrest in the country where the crime has been committed, and of the depositions or other evidence upon which such warrant was issued, shall be produced.

The extradition of fugitives under the provisions of this Treaty shall be carried out in Norway and in the United States, respectively, in conformity with the laws regulating extradition for the time being in force in the state on which the demand for surrender is made.

Art. 4. — Where the arrest and detention of a fugitive are desired on telegraphic or other information in advance of the presentation of formal proofs, the proper course in the United States shall be to apply to a judge or other magistrate authorized to issue warrants of arrest in extradition cases and present a complaint on oath, as provided by the statutes of the United States.

When, under the provisions of this article, the arrest and detention of a fugitive are desired in the Kingdom of Norway, the proper course shall be to apply to the Foreign Office, which will immediately cause the necessary steps to be taken in order to secure the provisional arrest or detention of the fugitive.

The provisional detention of a fugitive shall cease and the prisoner be released if a formal requisition for his surrender, accompanied by the necessary evidence of his criminality, has not been produced under the stipulations of this Treaty, within two months from the date of his provisional arrest or detention.

Art. 5. — Neither of the contracting parties shall be bound to deliver up its own citizens or subjects under the stipulations of this Treaty.

Art. 6. — A fugitive criminal shall not be surrendered if the offense in respect of which his surrender is demanded be of a political character, or if he proves that the requisition for his surrender has, in fact, been made with a view to try or punish him for an offense of a political character.

No person surrendered by either of the high contracting parties to the other shall be triable or tried or be punished for any political crime or offense, or for any act connected therewith, committed previously to his extradition.

If any question shall arise as to whether a case comes within the provisions of this article, the decision of the authorities of the government on which the demand for surrender is made, or which may have granted the extradition shall be final.

Art. 7. — Extradition shall not be granted, in pursuance of the provisions of this Treaty, if legal proceedings or the enforcement of the penalty for the act committed by the person claimed has become barred by limitation, according to the laws of the country to which the requisition is addressed.

Art. 8. — No person surrendered by either of the high contracting parties to the other shall, without his consent, freely granted and publicly declared by him, be triable or tried or be punished for any crime or offense committed prior to his extradition, other than that for which he was delivered up, until he shall have had an opportunity of returning to the country from which he was surrendered.

Art. 9. — All articles seized which are in the possession of the person to be surrendered at the time of his apprehension, whether being the proceeds of the crime or offense charged, or being material as evidence in making proof of the crime or offense, shall, so far as practicable and in conformity with the laws of the respective countries, be given up when the extradition takes place. Nevertheless, the rights of third parties with regard to such articles shall be duly respected.

Art. 10. — If the individual claimed by one of the high contracting parties, in pursuance of the present Treaty, shall also be claimed by one or several other powers on account of crimes or offenses committed within their respective jurisdictions, his extradition shall be granted to the state whose demand is first received: Provided, that the government from

which extradition is sought is not bound by treaty to give preference otherwise.

Art. 11. — The expenses incurred in the arrest, detention, examination and delivery of fugitives under this Treaty shall be borne by the state in whose name the extradition is sought: Provided, that the demanding government shall not be compelled to bear any expense for the services of such public officers of the government from which extradition is sought as receive a fixed salary; And, provided, that the charge for the services of such public officers as receive only fees or perquisites shall not exceed their customary fees for the acts or services performed in ordinary criminal proceedings under the laws of the country of which they are officers.

Art. 12. — The present Treaty shall take effect on the thirtieth day after the date of the exchange of ratifications, and shall not operate retroactively. On the day on which it takes effect the convention of March 21, 1860, shall, as between the Governments of Norway and of the United States, cease to be in force except as to crimes therein enumerated and committed prior to that day.

The ratifications of the present Treaty shall be exchanged at Washington as soon as possible, and it shall remain in force for a period of six months after either of the contracting governments shall have given notice of a purpose to terminate it.

In witness whereof the respective Plenipotentiaries have signed the above articles, both in the Norwegian and the English languages, and have hereunto affixed their seals.

Done in duplicate, at the city of Washington this seventh day of June, one thousand eight hundred and ninety-three.

(L. S.) *Walter Q. Gresham.*
(L. S.) *J. A. W. Grip.*

72.

PORTUGAL, PAYS-BAS

Convention destinée à régler la démarcation des possessions respectives des parties contractantes dans l'archipel de Timor et Solor: signée à Lisbonne le 10 juin 1893, et suivie d'une déclaration du 1 juillet 1893.*)

Diario governo, No. 149, 1895.

Sa Majesté le Roi de Portugal et des Algarves, et Sa Majesté la Reine des Pays Bas, et en son nom Sa Majesté la Reine Régente du Royaume, reconnaissant la communauté d'intérêts qui existe entre Leurs

*) Les ratifications ont été échangées le 6 novembre 1893.

possessions dans l'archipel de Timor et Solor, et voulant régler dans un esprit de bonne entente mutuelle les conditions les plus favorables au développement de la civilisation et du commerce dans Leurs dites possessions, ont résolu de conclure une convention spéciale et ont nommé à cet effet pour Leurs Plénipotentiaires, savoir:

Sa Majesté le Roi de Portugal et des Algarves:

Le sieur Ernesto Rodolpho Hintze Ribeiro, du Conseil de Sa Majesté Très Fidèle et Conseiller d'État, Grand Cordon de l'ordre du Christ, etc., etc., Président du Conseil et Ministre et Sécrétaire d'État au département des Affaires Étrangères,

Sa Majesté la Reine des Pays Bas, et en son nom Sa Majesté la Reine Régente du Royaume:

Le sieur Jacob Dirk Carel, Baron de Heeckeren de Kell, Son Ministre Résident près Sa Majesté Très Fidèle.

Lesquels après s'être communiqué leurs pleins pouvoirs respectifs. trouvés en bonne et due forme, sont convenus des articles suivants:

Art. 1. — Afin de faciliter l'exercice de leurs droits de souveraineté les Hautes Parties contractantes estiment qu'il y a lieu d'établir d'un façon plus exacte la démarcation de leurs possessions à l'île de Timor et de faire disparaître les enclaves actuellement existantes.

Art. 2. — Les Hautes Parties contractantes nommeront à cet effet une commission d'experts qui sera chargée de formuler une proposition, pouvant servir de base a la conclusion d'une convention ultérieure, déterminant la nouvelle ligne de démarcation dans la dite île.

Cette convention sera soumise à l'approbation de la législature des deux pays.

Art. 3. — Il sera accordé à l'île de Timor aux bateaux pécheurs appartenant aux sujets de chacune des Hautes Parties contractantes, ainsi qu'à leurs équipages, la même protection de la part des autorités respectives, que celle dont jouiront les sujets respectifs.

Le commerce, l'industrie et la navigation des deux pays y jouiront du traitement de la nation étrangère la plus favorisée, sauf le traitement spécial accordé respectivement par les Hautes Parties contractantes aux Etats indigènes.

Art. 4. — Les Hautes Parties contractantes décident que l'importation et l'exportation de toutes armes à feu, entières ou en pièces détachées, de leurs cartouches des capsules ou d'autres munitions destinées à les approvisioner sont interdits dans leurs possessions de l'archipel de Timor et Solor.

Indépendamment des mesures prises directement par les Gouvernements pour l'armement de la force publique et l'organisation de leur défense des exceptions pourront être admises à titre individuel pour leurs sujets européens offrant une garantie suffisante que l'arme et les munitions qui leur seraient délivrées, ne seront pas cédées ou vendues à des tiers, et pour des voyageurs étrangers munis d'une déclaration de leur Gouvernement constatant que l'arme et les munitions sont exclusivement destinés à leur défense personnelle.

Art. 5. — Toutefois les autorités supérieures de la partie portugaise et de la parti néerlandaise de l'île de Timor seront autorisées à fixer an-

nuellement, d'un commun accord, le nombre et la qualité des armes à feu non perfectionnées et la quantité de munition qui pourront être introduites dans le courant de la même année, ainsi que les conditions dans lesquelles cette importation pourra être accordée.

Cette importation cependant ne pourra se faire que par l'intermédiaire de certaines personnes ou agents qui résident à l'île même et qui auront obtenu à cet égard une autorisation spéciale de l'administration supérieure respective. En cas d'abus cette autorisation sera immédiatement retirée, et ne pourra être renouvelée.

Art. 6. — Le gouvernement néerlandais voulant donner une preuve de son désir de consolider ses rapports de bon voisinage, déclare renoncer à l'indemnité à laquelle il pretend avoir droit du chef des certains traitements que des pécheurs néerlando-indiens ont subi de 1889 à 1892 de la part des autorités du Timor portugais.

Art. 7. — Dans le cas ou quelque difficulté surgirait par rapport à leurs relations intercoloniales dans l'archipel de Timor et Solor ou au sujet de l'interprétation de la présente convention, les hautes parties contractantes s'engagent à se soumettre à la décision d'une commission d'arbitres.

Cette commission sera composée d'un nombre égal d'arbitres choisis par les Hautes Parties contractantes et d'un arbitre désigné par ces arbitres.

Art. 8. — La présente convention sera ratifiée et les ratifications en seront échangées à Lisbonne.

En foi de quoi les plénipotentiaires l'ont signée et y ont apposé leurs cachets.

Fait à Lisbonne, en double expédition, le 10 juin 1893.

(L. S.) *Ernesto Rodolpho Hintze Ribeiro.* (L. S.) *Carel van Heeckeren.*

Déclaration.

Les soussignés, plénipotentiaires des gouvernements signataires de la convention du 10 juin 1893, sont convenus de la déclaration suivante:

Affin d'assurer le résultat de leur action commune, qui tend surtout á encourager le commerce et l'industrie de leurs nationaux par des garanties de sécurité et de stabilité, les Hautes Parties contractantes déclarent qu'elles se reconnaissent réciproquement en cas de cession, soit en partie, soit en totalité de leurs territoires ou de leurs droits de souveraineté dans l'archipel de Timor et Solor, le droit de préférence à des conditions similaires ou équivalentes à celles qui auraient été offertes. Les cas de désaccord sur ces conditions tombent également sous l'application de l'article 7e de la convention précitée.

La présente déclaration, qui sera ratifiée en même temps que la convention conclue à Lisbonne le 10 juin 1893, sera considérée comme faisant partie intégrante de cette convention et aura la même force et valeur.

En foi de quoi les Plénipotentiaires ont signé la présente déclaration et y ont apposé leurs cachets.

Fait à Lisbonne en double expédition, le 1° juillet 1893.

(L. S.) *Ernesto Rodolpho Hintze Ribeiro.* (L. S.) *Carel van Heeckeren.*

73.

BELGIQUE, SERBIE.

Arrangement commercial provisoire; du 10 juillet/28 juin 1893.

Moniteur belge, 15 août 1893, No. 225.

Arrangement commercial provisoire entre la Belgique et la Serbie.

Le Gouvernement de Sa Majesté le Roi des Belges et le Gouvernement de Sa Majesté le Roi de Serbie désirant régler provisoirement les relations commerciales entre les deux pays, en attendant la conclusion d'un traité définitif, les soussignés, dûment autorisés à cet effet, sont convenus de ce qui suit:

Le traitement de la nation la plus favorisée sera réciproquement appliqué, en matière de commerce et de douane, aux relations entre la Belgique et la Serbie.

En foi de quoi les soussignés ont signé la présente déclaration et y ont apposé leurs cachets.

Fait à Belgrade, le 10 juillet/28 juin 1893.

Le Ministre Résident
de Sa Majesté le Roi des Belges
(L.S.) *Comte Errembault de Dudzeele.*

Le Ministre des Affaires Étrangères
de Sa Majesté le Roi de Serbie,
(L.S.) *And. Nikolitch.*

Certifié par le secrétaire général
du ministère des affaires étrangères,
Bon Lambermont.

74.

SUÈDE, ESPAGNE.

Convention conclue pour régler les relations de commerce entre la Suède et l'Espagne; signée à Aranjuez le 27 juin 1892; suivie d'un protocole du 9 août 1893.*)

Svensk Författnings-Samling 1893, No. 85.

Sa Majesté le Roi de Suède et de Norvège, et Sa Majesté la Reine Régente d'Espagne, au nom de Son Auguste Fils, Sa Majesté le Roi Don Alphonse XIII, également animés du désir d'assurer les relations de commerce entre la Suède et l'Espagne, ont résolu de conclure une Convention à cet effet et ont nommé pour Leurs Plénipotentiaires, savoir:

S. M. le Roi de Suède et de Norvège Monsieur Frédérik Hartwig

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*) Les ratifications ont été échangées à Madrid le 9 août 1893.

Herman, Baron de Wedel Jarlsberg, Son Ministre Plénipotentiaire près Sa Majesté Catholique, Chevalier de l'Ordre de l'Etoile Polaire et de l'Ordre de Saint Olave, etc. etc.;

S. M. la Reine Régente d'Espagne D. Carlos O'Donell y Abreu, Duc de Tetuan, Marquis d'Altamira, Comte de Lucena, Grand d'Espagne de première classe, Sénateur du Royaume, Général de Brigade, Grand croix de l'Ordre Militaire de Saint Hermenegilde d'Espagne, de Saint Etienne de Hongrie, etc., etc., Son Ministre d'État.

Lesquels, après s'être communiqué Leurs Pleins Pouvoirs, trouvés en bonne et due forme, sont convenus des articles suivants:

Art. 1. — Il y aura liberté réciproque de commerce entre la Suède et l'Espagne.

Les sujets de chacune des Hautes Parties contractantes auront le droit d'exercer librement leur religion dans le territoire de l'autre Partie, selon les lois des pays respectifs.

Art. 5. — Les ressortissants des Hautes Parties contractantes pourront disposer à leur volonté, par donation, vente, échange, testament ou de toute autre manière, de tous les biens qu'ils posséderaient dans les territoires respectifs et retirer intégralement leurs capitaux du pays. De même, les ressortissants de l'un des Etats respectifs, habiles à hériter des biens situés dans l'autre, pourront prendre possession des biens qui leur seraient dévolus même ab intestat, en observant les formalités prescrites par la loi, et les dits héritiers ne seront pas tenus à acquitter des droits de succession autres ni plus élevés que ceux qui seraient imposés dans des cas semblables aux nationaux eux-mêmes.

Art. 3. — Les ressortissants des Hautes Parties contractantes ne pourront être assujettis respectivement à aucune saisie, ni être retenus avec leurs navires, équipages, voitures et effets de commerce, quels qu'ils soient, pour aucune expédition militaire, ni pour aucun service public, sans qu'il soit accordé aux intéressés une indemnité préalablement convenue.

Ils seront néanmoins soumis aux réquisitions pour transports (bagages), mais, dans ce cas, ils auront droit à la rémunération officiellement établie par l'autorité compétente, dans chaque département ou localité, pour les nationaux.

Art. 4. — Les objets d'origine et de manufacture suédoise, énumérés dans le Tableau A, annexé à la présente Convention, ne seront pas assujettis à leur entrée en Espagne et dans ses îles adjacentes, lorsqu'ils seront importés directement par terre ou par mer, à des droits d'entrée autres ni plus élevés que ceux auxquels sont ou seront assujettis les produits similaires d'origine ou de manufacture de toute autre Nation.

Art. 5. — Les objets d'origine et de manufacture espagnole énumérés dans le Tableau B annexé à la présente Convention ne seront pas assujettis, à leur entrée en Suède, lorsqu'ils seront importés directement par terre ou par mer, à des droits d'entrée autres ni plus élevés que ceux auxquels sont ou seront assujettis les produits similaires d'origine ou de manufacture de toute autre Nation.

Le régime des armes et munitions de guerre reste soumis aux lois et réglements des États respectifs.

Art. 6. — La Suède et l'Espagne se garantissent mutuellement qu'aucun autre pays ne jouira d'un traitement plus avantageux pour tout ce qui concerne la consommation, l'entrepôt, la réexportation, le transit, le transbordement des marchandises et le commerce en général.

Les stipulations de cet article ne pourront être invoquées en ce qui concerne les concessions spéciales accordées ou qui le seront à l'avenir à des États limitrophes, en vue de faciliter le commerce des frontières, ni en ce qui concerne les obligations résultant pour l'une des Parties contractantes d'une union douanière avec un État voisin.

Art. 7. — Les drawbacks existants ou qui pourraient être établis á l'exportation des produits suédois ainsi que les drawbacks à l'exportation des produits espagnols, ne pourront étre supérieurs aux droits d'accise ou de consommation intérieure grevant les dits produits ou les matières employées à leur fabrication.

Art. 8. — Les marchandises de toute nature, originaires de l'un des Pays contractants et importées dans l'autre, ne pourront être assujetties à des droits d'accise ou de consommation supérieurs à ceux qui grèvent ou greveraient les marchandises similaires de production nationale.

Toutefois, les droits à l'importation pourront être augmentés des sommes qui représenteraient les frais occasionnés aux produits nationaux par le système de l'accise.

Art. 9. — Les marchandises non originaires de Suède importées de ce Royaume en Espagne, soit par terre, soit par mer, ne pourront pas être grevées de surtaxes supérieures à celles dont seront passibles les marchandises de même nature importées en Espagne de tout autre pays européen autrement qu'en droiture par navire espagnol.

La Suéde se réserve de son côté la faculté d'établir sur les marchandises non originaires d'Espagne des surtaxes égales à celles qui seront appliquées en Espagne aux importations faites autrement qu'en droiture.

Art. 10. — Les Suédois en Espagne et dans ses îles adjacentes et les Espagnols en Suède jouiront de la même protection que les nationaux pour tout ce qui concerne la propriété des marques de fabrique ou de commerce ainsi que des dessins ou modèles industriels et de fabrique de toute espèce.

Le droit exclusif d'exploiter un dessin ou modèle industriel ou de fabrique ne peut avoir au profit des Suédois en Espagne, et, réciproquement au profit des Espagnols en Suède, une durée plus longue que celle fixée par la loi du pays à l'égard des nationaux.

Si le dessin ou modèle industriel ou de fabrique appartient au domaine public dans le pays d'origine, il ne peut être l'objet d'une jouissance exclusive dans l'autre pays.

Les dispositions des deux paragraphes qui précèdent sont applicables aux marques de fabrique ou de commerce.

Les droits des Suédois en Espagne, et réciproquement, les droits des Espagnols en Suède ne sont pas subordonnés à l'obligation d'y exploiter les modèles ou dessins industriels ou de fabrique.

Art. 11. — Les nationaux de l'un des Pays contractants qui voudront s'assurer dans l'autre la propriété d'une marque, d'un modèle ou d'un dessin,

devront remplir les formalités prescrites à cet effet par la législation respective des États contractants.

Les marques de fabrique auxquelles s'appliquent le présent article et l'article précédent sont celles qui, dans les pays respectifs, sont légitimement acquises aux industriels ou négociants qui en usent, c'est-à-dire, que le caractère d'une marque de fabrique suédoise doit être apprécié d'après la loi de Suède, de même que celui d'une marque espagnole doit être jugé d'après la loi espagnole.

Toutefois, le dépôt pourra être refusé, si la marque pour laquelle il est demandé est considérée par l'autorité compétente comme contraire à la morale ou à l'ordre public.

Art. 12. — Les voyageurs suédois de commerce, voyageant en Espagne ou dans ses îles adjacentes pour compte d'une maison établie en Suéde, seront traités, quant à la patente, comme les voyageurs de toute autre Nation, et, réciproquement, il en sera de même pour les voyageurs espagnols en Suède.

Les objets passibles d'un droit d'entrée qui servent d'échantillon et qui sont importés par ces commis-voyageurs jouiront, de part et d'autre, moyennant les formalités de douane nécessaires pour en assurer la réexportation ou la réintégration en entrepôt, d'une restitution des droits qui devront être déposés à l'entrée.

Art. 13. — L'Espagne concède à la Suède dans les îles de Cuba et Porto Rico pour les objets d'origine et de manufacture suédoise, lorsqu'ils seront importés directement et pendant la durée de la présente Convention, le bénéfice de la seconde colonne du tarif des Douanes spécial des dites Provinces, aussi longtemps que ce tarif restera en vigueur.

Art. 14. — Les dispositions des articles 4 et 5 de cette Convention ne s'appliquent pas aux faveurs accordées ou qui seront accordées par l'Espagne au Portugal ou aux Républiques Hispano-Américaines, ni aux faveurs accordées ou qui seront accordées par la Suède à la Norvège ou au Danemark.

Art. 15. — Cette Convention entrera en vigueur immédiatement après l'échange des ratifications et restera exécutoire jusqu'à l'expiration d'une année à partir du jour où l'une ou l'autre des Hautes Parties l'aura dénoncée.

La présente Convention sera ratifiée et les ratifications en seront échangées à Madrid dans le plus bref délai possible.

En foi de quoi les Plénipotentiaires respectifs ont signé la présente Convention et y ont apposé leurs cachets.

Fait à Aranjuez en double expédition le vingt sept Juin de l'an mil huit cent quatre-vingt douze.

(L. S.) *F. Wedel Jarlsberg.*
(L. S.) *Le duc de Tetuan.*

Tableau A.

Articles Suèdois auxquels, à l'entrée en Espagne, sont applicables les dispositions de l'article 4 de cette Convention.

Pierres, terres, ciment, chaux, plâtre et craie.
Goudron, bitumes, produits provenant de la distillation sèche, ardoises.

Tuiles (briques), poteries et porcelaine.
Fer et acier, y compris ouvrages en fer et en acier.
Pâte de bois pour la fabrication de papier, carton, papier, y compris les ouvrages en papier.
Bois, bruts et ouvrés.
Allumettes.
Machines et pièces détachées.
Beurre.
Fromage.
Poisson frais, salé, fumé ou mariné.
Eau-de-vie et alcool.
Liqueurs et cognac.
Bière et cidre.
Verres de toute sorte.
Tourbes et tourbes en poudre.
Couleurs.
Plaques tournantes et fils conducteurs électriques.
Voitures pour chemins de fer, voitures de tramvays, voitures de commerce, d'agriculture et de roulage.
Embarcations,
Conserves et confitures.
Graines de pin et de sapin et autres graines à ensemencer.
Poudre, explosifs, et mêches pour les mines.
Cuirs et peaux brutes.

(L. S.) *F. Wedel Jarlsberg.*
(L. S.) *Le duc de Tetuan.*

Tableau B.

Articles Espagnols auxquels, à l'entrée en Suède, sont applicables les dispositions de l'Art. 5 de cette Convention.

Plomb en lingots.
Autres métaux bruts.
Minerais.
Sel commun.
Sparte.
Liège brut et travaillé.
Bouchons de liège (sans garniture).
Plumes épurées.
Huile d'olive en fûts.
Idem id. en bouteilles.
Fruits et légumes de toute sorte frais et secs non spécifiés.
Oranges.
Citrons.
Raisins frais.
Raisins secs.
Amandes.
Figues.
Marrons, châtaignes.

Écorces d'orange.
Eau-de-vie.
Liqueurs.
Sardines.
Céréales.
Vins de toute sorte en cercle et en bouteille.
Sucre.

(L. S.) *F. Wedel Jarlsberg.*
(L. S.) *Le duc de Tetuan.*

Protocole Final.

Pour éviter des divergences d'interprétation de la Convention de Commerce conclue entre l'Espagne et la Suède en date de ce jour les soussignés sont convenus des explications qui suivent:

1. L'article 1 sera interprété dans le sens qu'il ne comporte qu'une assurance mutuelle de ne pas établir des défenses ou prohibitions de commerce entre les deux pays.

2. L'expression „marchandises similaires" sera interprété dans le sens que pour des marchandises de la même nature, le fait que l'une est plus chère que l'autre par suite d'une matière brute plus chère, ou par suite du mode de préparation, ne constitue pas une raison pour déclarer que de telles marchandises ne sont pas „similaires". Toutefois le Gouvernement Espagnol se réserve le droit de faire la différence entre l'alcool d'industrie et l'alcool de raisin.

3. L'expression „la seconde colonne" dans l'article 13 veut dire le tarif minimum du tarif général des Provinces en question.

4. L'expression „directement importés" dans le même article comprend, outre les envois de port à port, les marchandises venant accompagnées d'un connaissement direct.

En foi de quoi les Plénipotentiaires respectifs ont signé le présent Protocole à Aranjuez le 27 Juin 1892 et y ont apposé le sceau de leurs armes.

(L. S.) *F. Wedel Jarlsberg.*
(L. S.) *Le duc de Tetuan.*

Le Gouvernement de Sa Majesté le Roi de Suède et de Norvège et le Gouvernement de S. M. Catholique, étant convenus d'appliquer le principe de l'arbitrage pour le cas de divergences de vue sur l'interprétation de la convention signée, le 27 Juin 1892, entre la Suède et l'Espagne, le soussigné a été à cet effet autorisé par son Gouvernement à déclarer que l'article 2 de la Déclaration du 23 Juin 1887 sera applicable à la Convention précitée.

En portant ce qui précède à la connaissance de Son Excellence M. le Ministre d'État de S. M. Catholique, le soussigné profite de cette occasion etc.

Madrid le 9 Août 1893.

(L. S.) *F. Wedel Jarlsberg.*

75.

Convention spéciale concernant l'exécution de la Convention internationale de Berne sur le transport de marchandises par chemins de fer; conclue à Paris le 9 août 1893.*)

Moniteur belge, 19/20 février 1894, No. 50—51.

Convention.

Les Gouvernements de la Belgique, de la République Française, du Luxembourg et des Pays-Bas, usant de la faculté, qui leur est accordée par le dernier alinéa du paragraphe I des Dispositions réglementaires pour l'exécution de la Convention internationale de Berne du 14 octobre 1890 *); ont résolu de conclure une Convention spéciale relativement au transport de certaines marchandises et sont convenus de ce qui suit:

Art. 1. — Sont admis au transport international les objets désignés ci-après, en provenance du territoire de l'un des Etats contractants et à destination du territoire d'un autre Etat contractant, par les lignes de chemins de fer soumises à l'application de la Convention de Berne, et aux conditions générales de cette Convention, pour tout ce qui n'est pas réglé par les conditions suivantes:

I.

Transports Funèbres.

Le transport est effectué en grande vitesse.

Les frais de transport doivent obligatoirement être payés au départ.

Le transport ne peut s'effectuer que sous la garde d'une personne chargée de l'accompagner.

Le corps doit être placé dans un cercueil en métal, d'une épaisseur suffisante, ne laissant échapper ni liquide ni gaz. Ce cercueil doit être renfermé lui-même dans une bière de bois d'une solidité convenable.

Sur le parcours de chaque Etat, les transports funèbres sont, du reste, soumis aux lois et règlements de police spéciaux existants ou à intervenir.

II.

Or et argent en lingots, platine, valeur monnayée ou en papier, plaqué d'or ou d'argent, mercure, papiers importants, pierres précieuses, perles fines, bijoux et autres objets précieux, broderies et dentelles.

Ces transports sont régis par les dispositions spéciales suivantes:

Pour être admis au transport, les finances et articles déclarés à la valeur, tels que plaqué d'or ou d'argent, le mercure, les perles fines, les dentelles et broderies, etc., doivent être renfermés dans des sacs, sacoches, groups, caisses, boîtes ou barils. Le transport à découvert est interdit d'une manière absolue.

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*) Les ratifications ont été échangées à Paris, le 31 janvier 1894.

) **V. N. R. G. 2e série XIX, 366.

Envois en sacs, sacoches ou groups.

Les sacs, sacoches ou groups seront entièrement cousus en dedans et parfaitement conditionnés, c'est-à-dire ni déchirés, ni raccommodés.

L'issue de ces sacs, sacoches ou groups sera fermée au moyen d'une corde ou ficelle intacte (par conséquent sans épissure ni allonge) dont le nœud sera recouvert d'un cachet à la cire et dont les bouts seront maintenus sur une fiche flottante par un cache semblable. A défout de cachet, les bouts de la corde ou ficelle pourront être, près du nœud, introduits dans un plomb.

Envois en boîtes, caisses ou barils.

Les boîtes, caisses ou barils seront cloués ou cerclés avec solidité et ne devront présenter aucune trace d'issue refermée, ni de fracture.

Les boîtes et caisses seront fortement liées au moyen d'une corde d'un seul morceau, placée en croix avec cachets à la cire ou plombs en nombre nécessaire pour assurer l'inviolabilité des colis. Une ficelle appliquée en croix aux deux extrémités de chaque baril y sera maintenue au moyen de cachets à la cire ou de plombs.

Les envois de dentelles et broderies qui n'auront pas lieu dans des sacoches ou dans des caisses ne seront reçus que si elles sont renfermées dans une enveloppe en toile cirée.

Billets de banque, titres de rente, actions, obligations, coupons d'intérêt ou de dividende.

Les envois de l'espèce devront être présentés au transport dans des sacs, boîtes ou caisses, ou former des paquets revêtus d'enveloppes intactes en papier ciré ou goudronné ou en toile cirée.

Toutefois, les valeurs présentées sous enveloppe en tout autre papier pourront être acceptées si, sous le rapport de la solidité et du conditionnement, ces enveloppes ne laissent rien à désirer.

Tout paquet devra être clos au moyen de cachets à la cire en nombre suffisant pour en assurer l'inviolabilité (trois au moins).

Déclaration.

La lettre de voiture devra mentionner la valeur de l'article et porter un cachet à la cire ou un plomb conforme à celui apposé sur l'article.

Les adresses devront être très lisiblement écrites; elles ne pourront être ni cousues, ni collées, ni clouées, afin qu'elles ne puissent dissimuler aucune trace d'issue refermée ou de fracture. Elles pourront être, soit inscrites sur les colis, soit attachées à ces colis au moyen d'une ficelle.

La déclaration de la valeur de l'article sera mentionnée, d'une manière très lisible, sur l'adresse.

Les initiales, légendes, armoiries, raisons sociales ou noms d'établissements empreints sur les cachets à la cire ou sur les plombs apposés sur les sacs, sacoches, boîtes, groups, caisses, barils, paquets, devront être parfaitement lisibles et distincts.

Les empreintes à grilles et celles faites avec des pièces de monnaie sont formellement exclues.

Responsabilité.

En cas de perte totale du colis, l'indemnité due par le chemin de fer sera égale au montant de la valeur déclarée, augmentée des frais de transport et des frais de douane acquittés postérieurement à l'envoi.

En cas de manquant ou d'avarie, le chemin de fer payera le montant de la dépréciation calculée sur la même base.

La déclaration d'intérêt à la livraison n'est pas admise.

III.

Objets d'art, tels que : tableaux, statues, bronzes d'art, antiquités.

Il n'est admis ni déclaration de valeur, ni déclaration d'intérêt à la livraison.

En cas de perte ou d'avarie, l'indemnité due par le chemin de fer ne dépassera pas 1 fr. 50 par kilogramme de poids brut; sauf le cas où, par des tarifs communs régulièrement approuvés par les autorités compétentes de chaque Etat, deux ou plusieurs administrations de chemins de fer accepteraient une responsabilité plus étendue.

IV.

Matières dangereuses ou autres exclues du transport international par le 4° du paragraphe I des dispositions réglementaires de la convention de Berne ou admises conditionnellement au transport par l'annexe I des dites dispositions.

1° Pétrole à l'état brut et rectifié (§ XX de l'Annexe 1)*)

Le pétrole à l'état brut et rectifié, s'il a un poids spécifique d'au moins 0,780 à une température de 17°5 du thermomètre centigrade (Celsius), ou s'il n'émet pas de vapeurs inflammables à une température de moins de 21° du thermomètre centigrade (Celsius) et à une hauteur du baromètre de 760 millimètres rapportée au niveau de la mer;

Les huiles préparées avec le goudron de lignite, si elles ont au moins le poids spécifique ci-dessus indiqué (solaroel, photogène, etc.);

Les huiles préparées avec les goudrons de houille (benzole, toluole, xylole, cumole, etc.), ainsi que l'essence de mirbane (nitro-benzine) sont soumis aux dispositions suivantes:

1°. Ces objets, à moins que des voitures spécialement construites à cet effet (wagons-citernes) ne soient employées, ne peuvent être transportés que:

a. Dans des tonneaux particulièrement bons et solides,

Ou, *b.* Dans des vases en métal étanches et capables de résister,

Ou, *c.* Dans des vases en verre ou en grès; en ce cas, toutefois, en observant les prescriptions ci-dessous indiquées:

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*) Le texte ici reproduit est le texte même de l'Annexe 1 des Dispositions réglementaires de la Convention de Berne, sauf les additions ou modifications qui y ont été apportées et qui sont imprimées in italiques.

aa. Quand plusieurs vases sont réunis en un colis, ils doivent être emballés solidement dans de fortes caisses de bois, garnies de paille, de foin, de son, de sciure de bois, de terre fossile ou autres substances meubles;

bb. Quand les vases sont emballés isolément, l'envoi est admis dans des paniers ou cuveaux solides munis de couvercles bien assujettis et d'anses, et garnis d'une quantité suffisante de matières d'emballage; le couvercle, consistant en paille, joncs, roseaux ou matières analogues, doit être imprégné de lait d'argile ou de chaux ou d'une autre substance équivalente, mélangé avec du verre soluble.

Le poid brut du colis isolé ne doit pas dépasser 60 kilogrammes pour les vases en verre et 75 kilogrammes pour les vases en grès;

2⁰. Les vases qui se détérioreront pendant le transport seront immédiatement déchargés et vendus, avec le contenu qui y sera resté, au mieux des intérêts de l'expéditeur;

3⁰. Le transport n'a lieu que sur des wagons découverts. Si les opérations du passage en douane exigeaient des wagons munis de bâches plombées, le transport ne serait pas accepte;

4⁰. Les dispositions du n⁰ 3 qui précèdent sont aussi applicables aux tonneaux et autres récipients dans lesquels ces matières ont été transportées. Ces récipients doivent toujours être déclarés comme tels;

5⁰. Quand ces produits sont livrés au transport en quantités ne dépassant pas 10 kilogrammes par espèce, il est permis de les réunir en un colis, tant entre eux qu'avec d'autres objets admis au transport sans conditions.

Ces corps, renfermés dans des flacons de verre ou de fer-blanc, doivent être emballés solidement par couches au moyen de paille, foin, son, sciure de bois, terre fossile ou autres substances meubles, et être désignés nominativement dans la lettre de voiture;

6⁰. Il doit être indiqué sur la lettre de voiture que les objets désignés aux alinéas 1 et 2 du présent numéro ont un poids spécifique d'au moins 0,780 ou que le pétrole a la qualité indiquée dans le premier alinéa du présent numéro à l'égard du point d'inflammation.

Quand cette indication ne se trouve pas dans la lettre de voiture, on appliquera les conditions de transport concernant l'essence de pétrole.

2⁰ Pétrole à l'état brut et rectifié (§ XXI de l'Annexe 1).*)

Le pétrole à l'état brut et rectifié, le pétrole-naphte et les produits de la distillation du pétrole et du pétrole-naphte, lorsque ces matières ont un poids spécifique de moins de 0,780 et de plus de 0,680 à une température de 17⁰5 du thermomètre centigrade (benzine, ligroïne et putzöl).

Les articles précités sont soumis aux dispositions suivantes;

1⁰. Ces objets, à moins que des voitures spécialement construites à cet effet (wagons-citernes) ne soient employées, ne peuvent être transportés que:

a. Dans des tonneaux particulièrement bons et solides,

Ou, *b.* Dans des vases en métal étanches et capables de résister,

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Ou, *c.* Dans des vases en verre ou en grès; en ce cas, toutefois, en observant les prescriptions ci-dessous indiquées:

aa. Quand plusieurs vases sont réunis en un colis, ils doivent être emballés solidement dans de fortes caisses de bois garnies de paille, de foin, de son, de sciure de bois, de terre fossile ou autres substances meubles;

bb. Quand les vases sont emballés isolément, l'envoi est admis dans des paniers ou cuveaux solides munis de couvercles bien assujettis et d'anses, et garnis d'une quantité suffisante de matières d'emballage; le couvercle, consistant en paille, joncs, roseaux ou autres matières analogues, doit être imprégné de lait d'argile ou de chaux ou d'une autre substance équivalente, mélangé avec du verre soluble. Le poids brut du colis ne doit pas dépasser 40 kilogrammes;

2⁰. Les vases qui se détérioreront pendant le transport seront immédiatement déchargés et vendus avec le contenu qui y sera resté, au mieux des intérêts de l'expéditeur;

3⁰. Le transport n'a lieu que sur des wagons découverts. Si les opérations du passage en douane exigeait des wagons munis de bâches plombées, le transport ne serait pas accepté;

4⁰. Les dispositions du chiffre 3 qui précèdent sont aussi applicables aux tonneaux et autres récipients dans lesquels ces matières ont été transportées. Ces récipients doivent toujours être déclarés comme tels;

5⁰. Quand ces produits sont livrés au transport en quantités ne dépassant pas 10 kilogrammes par espèce, il est permis de les réunir en un colis, tant entre eux qu'avec d'autres objets admis au transport sans conditions.

Ces corps, renfermés dans des flacons de verre ou de fer-blanc, doivent être emballés solidement par couches, au moyen de paille, foin, son, sciure de bois, terre fossile ou autres substances meubles, et être désignés nominativement dans la lettre de voiture;

6⁰. Au chargement et au déchargement, les paniers ou cuveaux contenant des ballons en verre ne doivent pas être transportés sur des camions, ni portés sur les épaules ou le dos, mais seulement par les anses;

7⁰. Dans les wagons, les paniers ou cuveaux doivent être solidement assujettis et attachés aux parois du wagon. Les colis ne doivent pas être chargés l'un sur l'autre, mais l'un à côté de l'autre, et sans superposition;

8⁰. Chaque colis isolé ainsi que les cuveaux ou paniers arrimés doivent porter sur une étiquette apparente, avec le mot „inflammable“ imprimé sur fond rouge, les mots „à porter à la main“. Les wagons devront être munis d'une étiquette rouge portant l'inscription „A manœuvrer avec précaution“;

9⁰. Il doit être indiqué sur la lettre de voiture que les objets désignés dans le premier alinéa du présent numéro ont un poids spécifique de moins de 0,780 et de plus de 0,680 à une température de 17⁰5 Celsius. Quand cette indication ne se trouve pas dans la lettre de voiture, l'on appliquera les conditions de transport concernant l'essence de pétrole, etc...

3⁰. Essence de pétrole (§ XXII de l'Annexe 1)*) (gazoline, néoline, etc...) et autres produits similaires facilement inflammables, extraits de naphte, de pétrole ou de goudron de lignite et dont le poids spécifique n'est pas supérieur à 0,680 à la température de 17⁰5 (centigrades).

L'essence de pétrole (gazoline, néoline etc.) et les autres produits facilement inflammables préparés avec du pétrole-naphte ou du goudron de lignite, lorsque ces matières ont un poids spécifique de 0,680 au moins à une température de 17⁰5 Celsius.

Les produits précités sont soumis aux conditions suivantes:

1⁰. Ces objets ne peuvent être transportés que:

a. Dans des vases en métal étanches et capables de résister,

Ou, *b.* Dans des vases en verre ou en grès; en ce cas, toutefois, en observant les prescriptions ci-dessous indiquées:

aa. Quand plusieurs vases sont réunis en un colis, ils doivent être emballés solidement dans de fortes caisses de bois garnies de paille, de foin, de son, de sciure de bois, de terre fossile ou autres substances meubles;

bb. Quand les vases sont emballés isolément, l'envoi est admis dans des paniers ou cuveaux solides munis de couvercles bien assujettis et d'anses, et garnis d'une quantité suffisante de matières d'emballage; le couvercle consistant en paille, joncs, roseaux ou matières analogues, doit être imprégné de lait d'argile ou de chaux ou d'une autre substance équivalente, mélangé avec du verre soluble. Le poids brut du colis isolé ne doit pas dépasser 40 kilogrammes.

Ou, *c.* Dans des wagons-citernes parfaitement étanches;

2⁰. Les vases qui se détérioreront pendant le transport immédiatement déchargés et vendus avec le contenu qui y sera resté, au mieux des intérêts de l'expéditeur;

3⁰. Le transport n'a lieu que sur des wagons découverts. Si les opérations du passage en douane exigeaient des wagons munis de bâches plombées, le transport ne serait pas accepté;

4⁰. Les dispositions du n⁰ 3 qui précèdent sont aussi applicables aux tonneaux et autres récipients dans lesquels ces matières ont été transportées. Ces récipients doivent toujours être déclarés comme tels;

5⁰. Quand ces produits sont livrés au transport en quantités ne dépassant pas 10 kilogrammes par espèce, il est permis de les réunir en un colis, tant entre eux qu'avec d'autres objets admis au transport sans conditions. Ces corps, renfermés dans des flacons de verre ou de fer-blanc, doivent être emballés solidement par couches au moyen de paille, foin, son, sciure de bois, terre fossile ou autres substances meubles, et être désignés nominativement dans la lettre de voiture:

6⁰. Au chargement et au déchargement, les paniers ou cuveaux contenant des ballons en verre ne doivent pas être transportés sur des camions, ni portés sur les épaules ou le dos, mais seulement par les anses;

7⁰. Dans les wagons, les paniers et cuveaux doivent être solidement

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assujettis et attachés aux parois du wagon. Les colis ne doivent pas être chargés les uns sur les autres, mais l'un à côté de l'autre et sans superposition;

8⁰. Chaque colis isolé ainsi que les paniers ou cuveaux arrimés doivent porter sur une étiquette apparente, avec le mot „inflammable" imprimé sur fond rouge, les mots „à porter à la main". Les wagons devront être munis d'une étiquette roug eportant l'inscription „A ranger avec précaution".

4⁰. Levure liquide ou solide (§ XXVII de l'Annexe 1).*)

En règle générale, la levure, liquide ou solide, ne sera reçue que dans des vases qui ne sont pas fermés hermétiquement.

Si néanmoins le chemin de fer consent à accepter la levure dans des récipients entièrement clos, il a le droit d'expéditeur l'engagement:

1⁰. De ne soulever aucune réclamation dans les cas où les envois de l'espèce ne seraient pas acceptés sur les lignes des chemins de fer correspondants;

2⁰. D'assumer la responsabilité pour tous dommages qui pourraient survenir à d'autres marchandises ou au matériel de transport par suite du mode d'emballage; le cas échéant, le montant de ces dommages tel qu'il aura été fixé par le chemin de fer devra être reconnu par l'expéditeur sans contestation;

3⁰. De ne réclamer aucune indemnité du chef des avaries causées aux récipients ou de l'écoulement de leur contenu.

5⁰. Noir de fumée et suie (voir § XXVIII de l'Annexe 1).

Le noir de fumée et les autres espèces de suie en poudre doivent être renfermés dans des emballages offrant toute garantie contre le tamisage (sacs, tonneaux, caisses etc. . . .).

Si la suie est fraichement calcinée, elle doit être renfermée dans des tonneaux ou autres récipients placés dans de solides paniers et tapissés intérieurement de papier, de toile ou d'une autre matière analogue.

La lettre de voiture doit mentionner si la suie est fraîchement calcinée ou non. A défaut de cette indication, Ia suie est traitée comme si elle était fraîchement calcinée.

6⁰. Cartouches métalliques et cartouches en carton garnies intérieurement d'un revêtement métallique jusqu'à hauteur de la charge de poudre.

Les cartouches métalliques et cartouches en carton garnies intérieurement d'un revêtement métallique jusqu'à hauteur de la charge de poudre sont admises au transport aux conditions suivantes;

A. — Pour les cartouches métalliques, les projectiles doivent être adaptés à la douille métallique de façon qu'ils ne puissent ni s'en détacher ni permettre le tamisage de la poudre.

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Pour les cartouches en carton, la charge entière de poudre contenue dans le revêtement métallique doit être fermée hermétiquement par une ou plusieurs bourres serrantes, de façon que la poudre ne puisse tamiser, même dans le cas où la cartouche serait brisée au-dessus du revêtement métallique.

B. — Les cartouches devront être parfaitement assujetties dans des récipients en fer-blanc ou en carton solide. Ces récipients seront placés dans de très fortes caisses en bois dont les parois auront au moins 0 m. 018 d'épaisseur; les espaces vides devront, le cas échéant, être remplis de carton, de déchets de papier ou d'étoupes, de manière à éviter un déplacement ou un mouvement des récipients durant le transport.

C. — Le poids maximum brut d'une caisse ne pourra dépasser 100 kilogrammes.

Les caisses pesant brut plus de 10 kilogrammes seront munies de poignées ou de liteaux pour faciliter la manutention.

D. — Les caisses ne pourront pas être fermées au moyen de clous en fer; elles devront porter une inscription indiquant d'une manière apparente la nature du contenu et être munies de plombs.

E. — Les lettres de voitures devront être accompagnées d'une attestation signée par l'expéditeur et reproduisant la marque des plombs apposés sur les caisses.

Cette attestation devra être conçue comme suit:

„Le soussigné certifie que les conditions réglementaires prévues au n° 6 de la Convention spéciale passée le ..... 1893, entre la Belgique, la France, le Luxembourg et les Pays-Bas, pour le transport des marchandises par chemin de fer, ont été observées en tous points pour l'envoi indiqué à la lettre de voiture ci-jointe et portant la marque .... sur le plomb."

7°. Pièces d'artifice.

Les pièces d'artifice sont admises au transport sur le territoire de chaque Etat où leur transport est autorisé, à charge de se conformer aux règlements intérieurs de chaque Etat, existants ou à intervenir.

8°. Gaz liquéfiés (acide carbonique, protoxyde d'azote, ammoniaque et chlore).

1°. Ces produits ne sont admis au transport que renfermés dans des récipients en fer ou en acier, qui doivent:

a. Avoir supporté à l'épreuve officielle (épreuve à renouveler au moins tous les trois ans pour l'acide carbonique, le protoxyde d'azote et l'ammoniaque, et au moins tous les ans pour le chlore), une pression intérieure telle qu'elle est déterminée au paragraphe 2° ci-après sans avoir subi une déformation persistante ou des fissures;

b. Porter une marque officielle, placée à un endroit bien apparent, qui indique le poids du récipient vide (y compris la soupape avec la chape ou le bouchon, la charge en kilogrammes qu'il peut recevoir en conformité des dispositions du paragraphe 2°, ainsi que la date de la dernière épreuve;

c. Etre munis de chapes vissées aux récipients et destinées à protéger les soupapes; ces chapes doivent être du même métal que les récipients.

Les récipients doivent être pourvus d'une garniture extérieure qui les empêche de rouler.

2°. La pression intérieure à faire supporter par les récipients à chaque épreuve, et le maximum de charge admissible sont fixés comme suit:

a. Pour l'acide carbonique et le protoxyde d'azote à 250 atmosphères et 1 kilogramme de liquide par 1.34 litre de capacité du récipient. Par exemple, un récipient de la capacité de 13.40 litres d'eau ne peut contenir plus de 10 kilogrammes d'acide carbonique ou de protoxyde d'azote liquides;

b. Pour l'ammoniaque à 100 atmosphères et 1 kilogramme de liquide par 1.86 litre de capacité du récipient;

c. Pour le chlore à 50 atmosphères et 1 kilogramme de liquide par 0.9 litre de capacité.

3°. Les récipients contenant des gaz liquéfiés ne peuvent être jetés, ni être exposés aux rayons du soleil ou à la chaleur du feu.

4°. Le transport de ces articles ne peut avoir lieu que dans des wagons fermés ou bien dans des wagons-réservoirs spécialement aménagés à cet effet et dont le récipient doit être revêtu, le cas échéant, d'une caisse en bois.

9°. Chlorure de méthyle.

Cet article ne peut être transporté que dans des récipients en tôle de fer ou d'acier parfaitement étanches et hermétiquement fermés, timbrés par l'autorité compétente à 12 atmosphères et chargés sur wagons découverts.

Pendant les mois d'avril à octobre inclus, les envois doivent être recouverts de bâches fournies par l'expéditeur.

10°. Préparations formées d'un mélange d'huile de térébenthine ou d'alcool avec de la résine, telles que les vernis à l'alcool et les siccatifs.

1°. Lorsque ces préparations sont expédiées en touries, bouteilles ou cruchons, les récipients doivent être fermés hermétiquement et être bien emballés dans des caisses ou des paniers munis de solides poignées.

Si les récipients sont en métal, en bois ou en caoutchouc, ils doivent être parfaitement étanches et bien fermés.

2°. Les préparations composées d'huiles de térébenthine et de résine qui répandent une mauvaise odeur ne peuvent être transportées que sur des wagons découverts.

3°. Quand ces préparations sont livrées au transport en quantité ne dépassant pas 10 kilogrammes par espèce, il est permis de les réunir en un colis, tant entre elles qu'avec d'autres objets admis au transport sans condition. Ces substances, renfermées dans les flacons de verre ou de fer-blanc, doivent être emballées solidement par couches au moyen de paille, foin, son, sciure de bois, terre fossile ou autres substances meubles, et être désignées nominativement dans la lettre de voiture.

11°. Papier graissé ou huilé et fuseaux faits de ce papier.

Ces articles ne peuvent être expédiés qu'en wagons fermés ou en wagons découverts et bâchés.

12°. Fumier et matières fécales.

Sont admis au transport par wagons complets et aux conditions suivantes:

1°. Le fumier sec est expédié en vrac, dans des wagons découverts, bâchés au moyen d'agrès à fournir par l'expéditeur.

2°. Les matières fécales, y compris celles provenant des fosses d'aisances, ne peuvent être expédiées que dans des wagons-citernes parfaitement étanches ou dans des récipients très solides, hermétiquement fermés, bien étanches, et chargés sur des wagons découverts.

Dans tous les cas, les mesures nécessaires doivent être prises pour éviter, en cours de transport et lors du chargement et du déchargement, l'échappement des matières et des liquides ainsi que le dégagement d'odeurs méphitiques.

3°. Le chemin de fer est en droit d'exiger le payement du prix de transport au moment de la remise à l'expédition.

4°. Les frais de désinfection sont à la charge de l'expéditeur ou du destinataire.

Ces transports restent d'ailleurs soumis aux règlements en vigueur sur le territoire de chacun des Etats contractants.

Le guano et les engrais artificiels sont admis au transport sans aucune condition spéciale.

13°. Caillettes de veau fraîches.

Sont admises au transport dans des récipients étanches et aux conditions ci-après:

1°. Les caillettes doivent être débarrassées de tout restant d'aliment et être salées, de telle sorte qu'il soit employé 15 à 20 grammes de sel de cuisine par caillette.

2°. Une couche de sel d'environ 1 centimètre d'épaisseur doit être répandue, en outre, au fond des récipients servant d'emballage ainsi que sur la couche supérieure des caillettes.

3°. La lettre de voiture doit contenir une déclaration de l'expéditeur spécifiant que les paragraphes 1 et 2 ont été observés.

4°. Le chemin de fer peut exiger que le prix de transport soit payé au départ.

5°. Les frais de désinfection éventuelle du wagon tombent à la charge de l'expéditeur ou du destinataire.

Art. 2. — L'admissions au transport, sous certaines conditions, de marchandises exclues par le 4° du paragraphe I des Dispositions réglementaires de la Convention de Berne, — ou la concession de conditions moins rigoureuses que celles stipulées pour les marchandises admises conditionnellement par l'Annexe 1 desdites Dispositions réglementaires ou par la présente Convention, — pourront faire l'objet de tarifs communs entre deux ou plusieurs Compagnies ou Administrations de chemins de fer.

Ces tarifs communs seront élaborés par voie d'entente directe entre les Compagnies ou Administrations à ce dûment autorisées.

Les dits tarifs seront soumis à l'approbation des autorités auxquelles sont confiées, dans chaque Etat, l'homologation ou la fixation des tarifs et la surveillance des chemins de fer. Ils ne pourront être rendus exécutoires que lorsque l'approbation de tous les Etats sur le territoire desquels les dits tarifs devront être appliqués aura été notifiée aux Compagnies ou Administrations intéressées.

Art. 3. — Les Gouvernements signataires de la Convention internationale de Berne du 14 octobre 1890 et qui n'ont pas pris part à la présente Convention sont admis à y adhérer sur leur demande.

Cette adhésion, qui emportera de plein droit l'acceptation de toutes les clauses, sera notifiée par la voie diplomatique au Gouvernement de la République Française, et par ce Gouvernement aux autres Etats signataires.

Art. 4. — La présente Convention sera ratifiée et les ratifications en seront échangées à Paris aussitôt que faire se pourra. Elle entrera en vigueur un mois après la date de l'échange desdites ratifications et aura la même durée que la Convention internationale signée à Berne le 14 octobre 1890 sur le transport des marchandises par chemin de fer.

En foi de quoi, les soussignés, savoir: l'Envoyé extraordinaire et Ministre plénipotentiaire de Sa Majesté le Roi des Belges près le Gouvernement de la République Française, le Ministre des Affaires étrangères de la République Française, le Chargé d'affaires du Luxembourg à Paris et l'Envoyé extraordinaire et Ministre plénipotentiaire de Sa Majesté la Reine des Pays-Bas près le Gouvernement de la République Française, dûment autorisés à cet effet, ont dressé la présente Convention et y ont apposé leur cachets.

Fait à Paris, en quatre exemplaires, le 9 août 1893.

(L. S.) *Beyens.*
(L. S.) *Jules Develle.*
(L. S.) *Vannerus.*
(L. S.) *de Stuers.*

76.

ITALIE, SUISSE.

Correspondance relative au transport d'individus à être extradés en transit par la Suisse; du 8/18 août 1893.

Trattati e Convenzioni fra il Regno d'Italia e gli altri Stati, Vol. XIII. Rome 1895.

Denuncia, da parte della Svizzera, della dichiarazione fra l'Italia, la Germania e la Svizzera de 25 Juglio 1873 per la consegna degli estradati.

L'incaricato d'affari di Svizzera in Roma al regio ministro degli affari esteri d'Italia.

Rome, le 8 août 1893.

Monsieur le Ministre,

Le haut Conseil fédéral me charge, et j'ai l'honneur de porter à la connaissance de Votre Excellence, que, conformément à l'article V de la déclaration signée entre la Suisse, l'Italie et l'Allemagne le 25 juillet 1873,*) concernant le transport d'individus qui doivent être extradés d'Italie en Allemagne par la Suisse et vice versa, il s'est décidé à dénoncer, et dénonce par mon intermédiaire, au Gouvernement de S. M. le roi d'Italie, comme il l'a dénoncée déjà le 21 juillet écoulé au Gouvernement allemand, la déclaration en question.

A cette occasion, mon Gouvernement me charge de même, et j'ai l'honneur de prier Votre Excellence de vouloir bien remarquer, qu'à l'avenir, lorsque le Gouvernement royal aura des individus à extrader à l'Allemagne en transit par la Suisse, il voudra bien faire demander au Conseil fédéral l'autorisation de transit, par sa Légation à Berne, en joignant à la demande un mandat d'arrêt ou un document équivalent, comme cela s'est du reste déjà pratiqué cette année dans un cas analogue.

Je saurai gré à Votre Excellence de vouloir bien me donner une réponse à la présente communication et je saisis, en attendant, cette occasion pour Vous offrir, etc.

G. B. Pioda.

Il regio ministro degli affari esteri d'Italia all'incaricato d'affari di Svizzera in Roma.

Rome, ce 18 août 1893.

Monsieur le Chargé d'affaires,

Par votre lettre en date du 8 août courant Vous avez bien voulu me faire connaître que le haut Conseil fédéral, conformément à l'article V de la déclaration signée le 25 juillet 1873 entre l'Italie, la Suisse et l'Allemagne concernant l'extradition en transit, s'était décidé à dénoncer la déclaration

*) V. **N. R. G.** 2e série I, 253.

en question. Vous avez bien voulu me faire remarquer, en même temps, qu'à l'avenir la Légation royale à Berne doit demander au haut Conseil fédéral l'autorisation de transit pour le transport des individus qui doivent être extradés d'Allemagne en Italie par la Suisse, en joignant à sa demande un mandat d'arrêt ou un document équivalent.

Je m'empresse de Vous informer que j'ai porté votre communication à la connaissance du Ministère royal compétent et je saisis, etc., etc.

Brin.

77.

ÉTATS-UNIS D'AMÉRIQUE.

Proclamation du Président concernant l'arrangement conclu avec les Chérokis cédant leur territoire aux États-Unis d'Amérique; du 19 août 1893.

Proclamations of the President of the United States.

[No. 5.]

By the President of the United States of America: A Proclamation.

Whereas, pursuant to section ten, of the act of Congress approved March third, eighteen hundred and ninety-three, entitled "An act making appropriations for current and contingent expenses, and fulfilling treaty stipulations with Indian tribes, for fiscal year ending June thirtieth, eighteen hundred and ninety-four" the Cherokee Nation of Indians, by a written agreement made on the seventeenth day of May, eighteen hundred and ninety-three, has ratified the agreement for the cession of certain lands, hereinafter described, as amended by said act of March third, eighteen hundred and ninety-three, and thereby ceded, conveyed, transferred, relinquished and surrendered all its title, claim, and interest of every kind and character in and to that part of the Indian Territory bounded on the west by the one hundredth degree (100°) of west longitude; on the north by the State of Kansas; on the east by the ninety-sixth degree (96°) of west longitude; and on the south by the Creek Nation, the Territory of Oklahoma and the Cheyenne and Arapahoe Reservation created or defined by Executive order dated August tenth, eighteen hundred and sixty-nine: Provided, That any citizen of the Cherokee Nation, who, prior to the first day of November, eighteen hundred and ninety-one, was a bona fide resident upon and further had, as a farmer and for farming purposes, made permanent and valuable improvements upon any part of the land so ceded and who has not disposed of the same, but desires to occupy the particular lands so improved as a homestead and for farming purposes, shall have the right to select one-eighth of a section of land, to conform however to the United States surveys; such selection to embrace, as far as

the above limitation will admit, such improvements. The wife and children of any such citizen shall have the same right of selection that is above given to the citizen, and they shall have the preference in making selections to take any lands improved by the husband and father that he can not take until all of his improved land shall be taken; and that any citizen of the Cherokee Nation not a resident within the land so ceded, who, prior to the first day of November, eighteen hundred and ninety-one, had for farming purposes made valuable and permanent improvements upon any of the land so ceded, shall have the right to select one-eighth of a section of land to conform to the United States surveys; such selection to embrace, as far as the above limitation will admit, such improvements; but the allotments so provided for shall not exceed seventy (70) in number, and the land allotted shall not exceed five thousand and six hundred (5,600) acres; and such allotments shall be made and confirmed under such rules and regulations as shall be prescribed by the Secretary of the Interior, and when so made and confirmed shall be conveyed to the allottees respectively by the United States in fee simple, and from the price to be paid to the Cherokee Nation for the cession so made there shall be deducted the sum of one dollar and forty cents ($ 1.40) for each acre so taken in allotment; and Provided That D. W. Bushyhead, having made permanent or valuable improvements prior to the first day of November, eighteen hundred and ninety-one, on the lands so ceded, he may select a quarter section of the lands ceded, whether reserved or otherwise, prior to the opening of said lands to public settlement; but he shall be required to pay for such selection, at the same rate per acre as other settlers, into the Treasury of the United States in such manner as the Secretary of the Interior shall direct; and

Whereas, It is provided in section ten of the aforesaid act of Congress, approved March third, eighteen hundred and ninety-three:

That "said lands, except the portion to be allotted as provided in said agreement, shall, upon the payment of the sum of two hundred and ninety-five thousand seven hundred and thirty-six dollars, herein appropriated, to be immediately paid, become and be taken to be and treated as a part of the public domain. But in any opening of the same to settlement, sections sixteen and thirty six in each township, whether surveyed or unsurveyed, shall be, and are hereby reserved for the use and benefit of the public schools to be established within the limits of such lands, under such conditions and regulations as may be hereafter enacted by Congress. * * * *

"Sections thirteen, fourteen, fifteen, sixteen, twenty-one, twenty-two, twenty-three, twenty-four, twenty-five, twenty-six, twenty-seven, twenty-eight and the east half of sections seventeen, twenty and twenty-nine, all in township numbered twenty-nine north, of range numbered two east of the Indian Meridian, the same being lands reserved by Executive order dated July twelfth, eighteen hundred and eighty-four, for use of and in connection with the Chilocco Indian Industrial School, in the Indian Territory, shall not be subject to public settlement, but shall until the further action of Congress, continue to be reserved for the purposes for which

they were set apart in the said Executive order. And the President of the United States, in any order or proclamation which he shall make for the opening of the lands for settlement, may make such other reservations of lands for public purposes as he may deem wise and desirable.

"The President of the United States is hereby authorized, at any time within six months after the approval of this act and the acceptance of the same by the Cherokee Nation as herein provided, by proclamation, to open to settlement any or all of the lands not allotted or reserved, in the manner provided in section thirteen of the act of Congress approved March second, eighteen hundred and eighty-nine, entitled 'An act making appropriations for the current and contingent expenses of the Indian Department and for fulfilling treaty stipulations with various Indian tribes, for the year ending June thirtieth, eighteen hundred and ninety, and for other purposes', (Twenty-fifth United States Statutes, page ten hundred and five); and also subject to the provisions of the act of Congress approved May second, eighteen hundred and ninety, entitled 'An act to provide a temporary government for the Territory of Oklahoma to enlarge the jurisdiction of the United States court in the Indian Territory, and for other purposes'; also, subject to the second proviso of sectiou seventeen, the whole of section eighteen of the act of March third, eighteen hundred and ninety-one, entitled 'An act making appropriations for the current expenses of the Indian Department, and for fulfilling treaty stipulations with various Indian tribes, for the year ending June thirtieth, eighteen hundred and ninety-two, and for other purposes'; except as to so much of said acts and sections as may conflict with the provisions of this act. Each settler on the lands so to be opened to settlement as aforesaid shall, before receiving a patent for his homestead, pay to the United States for the lands so taken by him, in addition to the fees provided by law, the sum of two dollars and fifty cents per acre for any land east of ninety-seven and one half degrees west longitude, the sum of one dollar and a half per acre for any land between ninety seven and one-half degrees west longitude and ninety-eight and one-half degrees west longitude, and the sum of one dollar per acre for any land west of ninety-eight and one-half degrees west longitude, and shall also pay interest upon the amount so to be paid for said land from the date of entry to the date of final payment therefor at the rate of four per centum per annum.

"No person shall be permitted to occupy or enter upon any of the lands herein referred to, except in the manner prescribed by the proclamation of the President opening the same to settlement; and any person otherwise occupying or entering upon any of said lands shall forfeit all right to acquire any of said lands. The Secretary of the Interior shall, under the direction of the President, prescribe rules and regulations, not inconsistent with this act, for the occupation and settlement of said lands, to be incorporated in the proclamation of the President, which shall be issued at least twenty days before the time fixed for the opening of said lands;" and

Whereas, by a written agreement, made on the twenty-first day of October, eighteen hundred and ninety-one, the Tonkawa tribe of Indians,

in the Territory of Oklahoma, ceded, conveyed, and forever relinquished to the United States all their right, title, claim and interest of every kind and character, in and to the lands particularly described in Article I of the agreement, Provided, That the allotments of land to said Tonkawa tribe of Indians theretofore made, or to be made under said agreement and the provisions of the general allotment act approved February eight, eighteen hundred and eighty seven and an act amendatory thereof, approved February twenty-eighth, eighteen hundred and ninety-one, shall be confirmed, and Provided, That in all cases where the allottee has died since land has been set off and scheduled to such person, the law of descent and partition in force in Oklahoma Territory shall apply thereto, any existing law to the contrary notwithstanding; and

Whereas, by a certain other agreement with the Pawnee tribe of Indians, in said Territory, made on the twenty-third day of November, eighteen hundred and ninety-two, said tribe ceded, conveyed, released, relinquished, and surrendered to the United States all its title, claim, and interest, of every kind and character, in and to the lands particularly described in Article I of the agreement, Provided, That the allotments made or to be made to said Indians in the manner and subject to the conditions contained in said agreement, shall be confirmed; and

Whereas, it is provided in section thirteen of the act of Congress, accepting, ratifying and confirming said agreements with the Tonkawa Indians and the Pawnee Indians, specified in sections eleven and twelve of the same act, approved March third, eighteen hundred and ninety-three, entitled "An act making appropriations for current and contingent expenses, and fulfilling treaty stipulations with Indian tribes for fiscal year ending June thirtieth, eighteen hundred and ninety-four",

„That the lands acquired by the agreements specified in the two preceding sections are hereby declared to be a part of the public domain. Sections sixteen and thirty-six in each township, whether surveyed or unsurveyed, are hereby reserved from settlement for the use and benefit of public schools, as provided in section ten relating to lands acquired from the Cherokee Nation of Indians. And the lands so acquired by the agreements specified in the two preceding sections not so reserved shall be opened to settlement by proclamation of the President at the same time and in the manner and subject to the same conditions and regulations provided in section ten relating to the opening of the lands acquired from the Cherokee Nation of Indians. And each settler on the lands so to be opened as aforesaid shall, before receiving a patent for his homestead, pay to the United States for the lands so taken by him, in addition to the fees provided by law, the sum of two dollars and fifty cents per acre; and shall also pay interest upon the amount so to be paid for said land from the date of entry to the date of final payment at the rate of four per centum per annum"; and

Whereas, the thirteenth section of the act approved March second, eighteen hundred and eighty-nine, the act approved May second, eighteen hundred and ninety, and the second proviso of section seventeen, and the whole of section eighteen of the act approved March third, eighteen hundred

and ninety-one, are referred to in the tenth section of the act approved March third, eighteen hundred and ninety-three, and thereby made applicable in the disposal of the lands in the "Cherokee Outlet" hereinbefore mentioned, the provisions of which acts, so far as they affect the opening to settlement and the disposal of said lands, are more particularly set forth hereinafter in connection with the rules and regulations prescribed by the Secretary of the Interior for the occupation and settlement of the lands hereby opened, according to said tenth section; and,

Whereas, the lands acquired by the three several agreements hereinbefore mentioned have been divided into counties by the Secretary of the Interior, as required by said last mentioned act of Congress, before the same shall be opened to settlement, and lands have been reserved for county-seat purposes to be entered under sections twenty-three hundred and eighty-seven and twenty-three hundred and eighty-eight of the Revised Statutes of the United States as therein required as follows, to wit:

For County K, the southeast quarter of section twenty-three and the northeast quarter of section twenty-six, township twenty-eight north, range two east of the Indian Meridian, excepting four acres reserved for the site of a court house to be designated by lot and block upon the official plat of survey of said reservation for county-seat purposes hereafter to be issued by the Commissioner of the General Land Office; said reservation to be additional to the reservations for parks, schools and other public purposes required to be made by section 22, of the act of May 2, 1890.

For County L, the southwest quarter of section one, and the southeast quarter of section two, township twenty-five north, range six west of the Indian Meridian, excepting four acres reserved for the site of a court house to be designated by lot and block upon the official plat of survey of said reservation for county-seat purposes hereafter to be issued by the Commissioner of the General Land Office; said reservation to be additional to the reservations for parks, schools and other public purposes required to be made by section 22, of the act of May 2, 1890.

For County M, the south half of the north-east quarter and the north half of the south-east quarter of section twenty-three, and the south half of the northwest quarter and the north half of the southwest quarter of section twenty-four, township twenty-seven north, range fourteen west of the Indian Meridian, excepting one acre reserved for Government use for the site of a land-office, and four acres to be reserved for the site of a court house, which tracts are to be contiguous and to be designated by lot and block upon the official plat of survey of said reservation for county seat purposes, hereafter to be issued by the Commissioner of the General Land Office; said reservations to be additional to the reservations for parks, schools, and other public purposes required to be made by section 22, of the act of May 2, 1890.

For County N, the south half of section twenty-five, township twenty-three north, range twenty-one west of the Indian Meridian, excepting one acre reserved for Government use for the site of a land-office, and four acres to be reserved for the site of a court-house, which tracts are to be contiguous and to be designated by lot and block upon the official plat

or survey of said reservation for county-seat purposes, hereafter to be issued by the Commissioner of the General Land Office; said reservations to be additional to the reservations for parks, schools, and other public purposes required to be made by section 22, of the act of May 2, 1890.

For County O, the southeast quarter of section seven, and the southwest quarter of section eight, township twenty-two north, range six west of the Indian Meridian, excepting one acre reserved for Government use for the site of a land-office, and four acres to be reserved for the site of a court house, which tracts are to be contiguous and to be designated by lot and block upon the official plat of survey of said reservation for county-seat purposes hereafter to be issued by the Commissioner of the General Land Office; said reservations to be additional to the reservations for parks, schools, and other public purposes required to be made by section 22 of the act of May 2, 1890.

For County P. the northeast quarter of section twenty-two and the northwest quarter of section twenty-three, township twenty-one north, range one west of the Indian Meridian, excepting one acre reserved for Government use for the site of a land-office, and four acres reserved for the site of a court-house, wich tracts are to be contiguous and to be designated by lot and block upon the official plat of survey of said reservation for county-seat purposes hereafter to be issued by the Commissioner of the General Land Office; said reservations to be additional to the reservations for parks, schools, and other public purposes required to be made by section 22, of the act of May 2, 1890; and,

For County Q, the southeast quarter of section thirty-one, the west half of the southwest quarter of section thirty-two, township twenty-two north, range five east, lot four of section five, and lot one of section six, township twenty-one north, range five east of the Indian Meridian, excepting four acres reserved for the site of a court-house to be designated by lot and block upon the official plat of survey of said reservation for county-seat purposes hereafter to be issued by the Commissioner of the General Land Office; said reservation to be additional to the reservations for parks, schools, and other public purposes required to be made by section 22, of the act of May 2, 1890.

Whereas, it is provided by act of Congress for temporary government of Oklahoma, approved May second, eighteen hundred and ninety, section twenty-three (Twenty-six Statutes, page ninety-two) that there shall be reserved public highways four rods wide between each section of land in said Territory, the section lines being the center of said highways; but no deduction shall be made, where cash payments are provided for in the amount to be paid for each quarter section of land by reason of such reservation; and

Whereas, all the terms, conditions, and considerations required by said agreements made with said Nation and tribes of Indians and by the laws relating thereto, precedent to opening said lands to settlement, have been, as I hereby declare, complied with:

Now, Therefore, I, Grover Cleveland, President of the United States, by virtue of the power in me vested by the Statutes hereinbefore men-

tioned, and by other the laws of the United States, and by said several agreements, do hereby declare and make known that all the lands acquired from the Cherokee Nation of Indians, the Tonkawa tribe of Indians, and the Pawnee tribe of Indians, by the three several agreements aforesaid, will at the hour of twelve o'clock noon (central standard time) on Saturday the sixteenth day of the month of September A. D., eighteen hundred and ninety-three, and not before, be opened to settlement under the terms of and subject to all the conditions, limitations, reservations, and restrictions contained in said agreements, the Statutes above specified, the laws of the United States applicable thereto and the conditions prescribed by this Proclamation, saving and excepting lands described and identified as follows, to wit: The lands set apart for the Osage and Kansas Indians, being a tract of country bounded on the north by the State of Kansas, on the east by the ninety-sixth degree of west longitude, on the south and west by the Creek country and the main channel of the Arkansas river; the lands set apart for the Confederated Otoe and Missouria tribes of Indians, described as follows, to wit: township twenty-two north, range one east; township twenty-three north, range one east; township twenty-two north, range two east; township twenty-three north, range two east; township twenty-two north, range three east; and that portion of township twenty-three north, range three east, lying west of the Arkansas river; and the lands set apart for the Ponca tribe of Indians, described as follows, to wit: township twenty-four north, range one east; township twenty-five north, range one east; fractional township twenty-four north, range two east; fractional township twenty-five north, range two east, fractional township twenty-four north, range three east; fractional township twenty-five north, range three east; fractional township twenty-four north, range four east; fractional township twenty-five north, range four east, the said fractional townships lying on the right bank of the Arkansas river, excepting also the lands allotted to the Indians as in said agreements provided, excepting also the lands reserved by Executive Orders dated April eighteenth, eighteen hundred and eighty-two, and January seventeenth, eighteen hundred and eight-three (known as Camp Supply Military Reservation), described as follows, to-wit: Township twenty-four north, range twenty-two west, the south half of township twenty-five north, range twenty-two west, and the southwest quarter of township twenty-five north, range twenty-one west; excepting also one acre of land in each of the reservations for county-seat purposes, in Counties M, N, O and P, which tracts are hereby reserved for Government use as sites for land offices, and four acres in each reservation for county seat purposes hereinbefore named, which tracts are hereby reserved as sites for court houses, and excepting also the reservations for the use of and in connection with the Chilocco Indian Industrial School, and for county-seat purposes hereinbefore described; excepting also the saline lands covered by three leases made by the Cherokee Nation prior to March 3, 1893, known as the Eastern, Middle and Western Saline reserves, under authority of the act of Congress of August 7, 1882 (22 Stat., 349), said lands being described and identified as follows: the Eastern Saline Reserve embracing all of section 6, lots 3 and 4 of section 4, the south half of the north-

east quarter, the south half of the northwest quarter, the north half of the southwest quarter and lots 1, 2, 3, and 4 of section 5, and the northeast quarter of the northwest quarter and lots 1 and 2 of section 7, township 25 north, range 9 west; all of sections 6, 7, 8, 17, 18, 19, 20, 21, 27, 28, 29, 30, 31, 32 and 33, the southwest quarter, the southwest quarter of the northwest quarter and lots 2, 3, 4, 5, 6 and 7 of section 5, the southwest quarter, the southwest quarter of the northwest quarter, the southwest quarter of the southeast quarter, and lot 1 of section 9, the west half of the southwest quarter of section 15, the west half, the southeast quarter, the west half of the northeast quarter and the southeast quarter of the northeast quarter of section 16, the west half, the west half of the southeast quarter and the southeast quarter of the southeast quarter of section 22, the west half, the west half of the southeast quarter, the northeast quarter of the southeast quarter, and the southwest quarter of the northeast quarter of section 26, the northwest quarter, the north half of the southwest quarter, the west half of the northeast quarter, and the northeast quarter of the northeast quarter of section 34, and the northwest quarter of the northwest quarter of section 35, township 26 north, range 9 west; all of section 31, the southwest quarter of the southeast quarter, the southeast quarter of the southwest quarter and lot 4 of section 30, and lots 3 and 4 of section 32, township 27 north, range 9 west; all of sections 1, 2, 3, 4, 9, 10 and 11, the southeast quarter, the south half of the northeast quarter, the east half of the southwest quarter, the southeast quarter of the northwest quarter and lots 1, 2 and 3 of section 5, the east half, the southwest quarter and the east half of the northwest quarter of section 8, the north half, the north half of the southwest quarter, the southwest quarter of the southwest quarter, and the northwest quarter of the southeast quarter of section 12, the northwest quarter, the northwest quarter of the northeast quarter, the north half of the southwest quarter, and the southwest quarter of the southwest quarter of section 14, the north half, the southeast quarter and the north half of the southwest quarter of section 15, and the northeast quarter and the north half of the northwest quarter of section 16, township 25 north, range 10 west; all of sections 1, 2, 3, 10, 11, 12, 13, 14, 15, 16, 21, 22, 23, 24, 25, 26, 27, 28, 33, 34, 35 and 36, the south half of the northeast quarter, the southeast quarter of the northwest quarter, the southeast quarter, the east half of the southwest quarter and lots 1, 2 and 3 of section 4, the east half, the southwest quarter, the east half of the northwest quarter, and the southwest quarter of the northwest quarter of section 9, the southeast quarter of the southeast quarter of section 17, the east half of the northeast quarter and the east half of the southeast quarter of section 20, the southeast quarter and the east half of the northeast quarter of section 29, and the east half and the southeast quarter of the southwest quarter of section 32, of township 26 north, range 10 west; all of sections 22, 26, 27, 34, 35 and 36, the east half of the northeast quarter and the east half of the southeast quarter of section 21, the southwest quarter, the west half of the southeast quarter, the south half of the northwest quarter and lots 1 and 6 of section 23, the southwest quarter, the west half of

the southeast quarter, the southeast quarter of the southeast quarter, the south half of the northwest quarter and lot 1 of section 25, the east half of section 28, and the east half and the southeast quarter of the southwest quarter of section 33, township 27 north, range 10 west; the Middle Saline Reserve embracing the southwest quarter of the northeast quarter, the southeast quarter of the northwest quarter, the west half of the southeast quarter, the east half of the southwest quarter, and lots 2, 3, 4, 5, 6 and 7 of section 6, and the northwest quarter of the northeast quarter, the northeast quarter of the northwest quarter and lot 1 of section 7, township 26 north, range 18 west; the southwest quarter of the southeast quarter, the southeast quarter of the southwest quarter and lot 7 of section 6, the west half of the northeast quarter, the east half of the northwest quarter, the west half of the southeast quarter, the east half of the southwest quarter and lots 1, 2, 3 and 4 of section 7, the west half of the northeast quarter, the east half of the northwest quarter, the west half of the southeast quarter, the east half of the southwest quarter and lots 1, 2, 3 and 4 of section 18, the west half of the northeast quarter, the east half of the northwest quarter, the west half of the southeast quarter, the east half of the southwest quarter and lots 1, 2, 3 and 4 of section 19, the northwest quarter of the northeast quarter, the northeast quarter of the northwest quarter and lots 1, 2, 3, 4, 6, 7 and 8 of section 30, and the west half of the northeast quarter, the east half of the northwest quarter, the west half of the southeast quarter, the east half of the southwest quarter and lots 1, 2, 3 and 4 of section 31, township 27 north, range 18 west; all of sections 1 to 6 inclusive, the north half of the north half of sections 8, 9, 10, 11 and 12, and the north half of the northeast quarter, the north-east quarter of the northwest quarter and lot 1 of section 7, township 26 north, range 19 west; all of sections 7 to 36 inclusive, the south half of the south half of section 1, 2, 3, 4 and 5, and the south half of the southeast quarter, the southeast of the southwest quarter and lot 7 of section 6, township 27 north, range 19 west; all of sections 1 and 2, the south half of the northeast quarter, the southeast q arter, and lots 1 and 2 of section 3, the north half of the northeast quarter of section 10, and the north half of the north half of sections 11 and 12, township 26 north, range 20 west; all of sections 11, 12, 13, 14, 23, 24, 25, 26, 35 and 36, the south half of the southeast quarter and lot 7 of section 1, the southwest quarter of the southwest quarter and lot 6 of section 2, the south half of the southeast quarter of section 3, and the east half of sections 10, 15, 22, 27 and 34, township 27 north, range 20 west: and the Western Saline Reserve embracing all of sections 18, 19, 30 and 31, township 29 north, range 20 west; and all of sections 13, 14, 23, 24, 25, 26, 35 and 36, township 29 north, range 21 west; excepting also that section 13, in each township which has not been otherwise reserved or disposed of, is hereby reserved for university, agricultural college, and normal school purposes, subject to the action of Congress; excepting also that section 33 in each township which has not been otherwise reserved or disposed of, is hereby reserved for public buildings; excepting also sections sixteen and thirty-six in each township which are

reserved by law for the use and benefit of the public schools; excepting, also, all selections and allotments made under the law and the agreements herein referred to, the lands covered by said selections and allotments to be particularly described and identified; said descriptions to be furnished by the Commissioner of the General Land Office, and posted in the several booths hereinafter referred to as those where certain preliminary declarations are to be made prior to the day named in this proclamation as that when the strip will be open to settlement.

Said lands so to be opened as herein proclamed, shall be entered upon and occupied only in the manner and under the provisions following, to wit:

A strip of land, one hundred feet in width, around and immediately within the outer-boundaries of the entire tract of country, to be opened to settlement under this proclamation, is hereby temporarily set apart for the following purposes and uses, viz;

Said strip, the inner-boundary of which shall be one hundred feet from the exterior boundary of the country known as the Cherokee Outlet, shall be open to occupancy in advance of the day and hour named for the opening of said country, by persons expecting and intending to make settlement pursuant so this proclamation. Such occupancy shall not be regarded as trespass, or in violation of this proclamation, or of the law under which it is made; nor shall any settlement rights be gained thereby.

The Commissioner of the General Land Office shall, under the direction of the Secretary of the Interior, establish on said one hundred foot strip booths, to be located as follows: one in Tp. 29 N., R. 2 E.; one in Tp. 29 N., R. 2 W.; one in Tp. 29 N., R. 4 W.; one in Tp. 29 N., R. 8 W.; one in Tp. 29 N., R. 12 W.; one in Tp. 20 N., R. 3 E.; one in Tp. 20 N., R. 2 W.; one in Tp. 20 N., R. 7 W.; and one in Tp. 20 N., R. 26 W., and shall place in charge thereof three officers to each booth, who shall be detailed from the General Land Office. Said booths shall be open for the transaction of business on and after Monday the eleventh day of the month of September, A. D., eighteen hundred and ninety-three, from 7 a. m. to 12 m. and 1 p. m. to 6 p. m., each business day, until the same shall be discontinued by the Secretary of the Interior, who is hereby authorized to discontinue the same at his discretion. Each party desiring to enter upon and occupy as a homestead any of the lands hereby opened to settlement will be required to first appear at one of the before-mentioned booths and make a declaration in writing to be signed by the party in the presence of one of the officers in charge thereof, which shall be certified by such officer, according to the form hereto attached and made a part hereof (marked A), showing his or her qualifications to make homestead entry for said lands, whereupon a certificate will be issued by the officers in charge of the booth to the party making the declaration which shall be of the form hereto attached and made a part hereof marked D).

Where a party desires to file a soldier's declaratory statement in person he will be required to make a declaration which shall be of the form hereto attached and made a part hereof (marked B), the same to be made and subscribed before one of the officers in charge of the booth and certified by such officer, independently of the affidavit (form 4—546) to be

filed when he presents the certificate of form D, there given him, to the district officers. Where a party desires to file a declaratory statement through an agent, it will be necessary for him previously to make the affidavit ordinarily required (form 4—545) before some officer authorized to administer oaths, and place the same in the hands of the agent, who, before being permitted to enter upon the lands to be opened in said "Outlet" for the purpose of making the desired filing, will be required to appear before the officers in charge of some one of the booths, to present the said affidavit of the party authorizing him to act as such agent, and to make a declaration in writing to be subscribed by him in the presence of one of such officers, which shall be certified by such officer, according to the form hereto attached and made a part hereof (marked C), whereupon a certificate of form D will be given him by said officer. The agent should be provided with affidavits of form 4—545 made in duplicate—one for presentation to the officers in charge of the booth, and the other for presentation to the district officers, when formal filing is to be made.

Each party desiring to enter upon said lands for the purpose of settling upon a town lot, will be required to first appear at one of the before-mentioned booths, and make a declaration in writing to be signed by the party in the presence of one of the officers in charge thereof which shall be certified by such officer, according to the form hereto attached and made a part hereof (marked E), whereupon a certificate will be issued by the officers in charge of the booth to the party making the declaration which shall be of the form hereto attached and made a part hereof (marked F).

The said declarations made before the officers in charge shall be given consecutive numbers beginning at number one at each booth and the certificate issued to the party making the declaration shall be given the same number as is given the declaration. The declaration shall be carefully preserved by the officers in charge of the booths, and when the booths are discontinued said declarations shall be transmitted, together with the duplicate affidavits, form 4—545, hereinbefore required to be presented in case of agents proposing to act for soldiers in filing declaratory statements, to the General Land Office for filing as a part of the records pertaining to the disposal of said lands.

The certificate will be evidence only that the party named therein is permitted to go in upon the lands opened to settlement by this proclamation at the time specified herein and the certificate of form D must be surrendered when application to enter or file is presented to the district officers and the party's right to make a filing, homestead entry or settlement shall be passed upon by the district land officers at the proper time and in the usual manner. The holder of such certificate will be required when he makes his homestead affidavit, or, if a soldier or soldier's agent, when he files a declaratory statement at the district office, to allege under oath before the officers taking such homestead affidavit, or to whom said declaratory statement is presented for filing, that all the statements contained in the declaration made by him, upon which said certificate is based, are true in every particular, such oath to be added to affidavit of form 4—102, as shown on form hereto attached, and made a part hereof, marked 102 d(.

After the hour and day hereinbefore named when said lands will be opened to settlement, all parties holding such certificates (form D or F), will be permitted to occupy or enter upon the land so opened, and parties holding a certificate of form D may initiate a homestead claim, either by settlement upon the land or by entry or filing at the proper district office; but no person not holding any such certificate shall be permitted to occupy or enter upon any of said lands until after the booths shall have been discontinued by direction of the Secretary of the Interior. Until then, the officers of the United States are expressly charged to permit no party without a certificate to occupy or enter upon any of said lands.

The following rules and regulations have been prescribed by the Secretary of the Interior under the direction of the President as provided by section ten of said act of March third, eighteen hundred and ninety-three, for the occupation and settlement of the lands hereby opened, to wit:

The thirteenth section of the act approved March second, eighteen hundred and eighty-nine, the act approved May second eighteen hundred and ninety, the second proviso of section seventeen, and the whole of section eighteen of the act approved March third, eigtheen hundred and ninety-one, are by section ten of the act of March third, eighteen hundred and ninety-three, made applicable in disposing of the lands under said section ten, and said lands are thereby rendered subject to disposal under the homestead and town site laws only, with certain modifications, which laws, as so modified, contain provisions, substantially as follows:

1. Any party will be entitled to initiate a homestead claim to a tract of said lands, who is over twenty-one years of age or the head of a family; who is a citizen of the United States, or has declared his intention to become such; who has not exhausted his homestead right either by perfecting a homestead entry for one hundred and sixty acres of land under any law, excepting what is known as the commuted provision of the homestead law, contained in section two thousand three hundred and one of the United States Revised Statutes, or by making or commuting a homestead entry since March second, eighteen hundred and eighty-nine; who has not entered, since August thirty, eighteen hundred and ninety, under the land laws of the United States, or filed upon, a quantity of land, agricultural in character, and not mineral, which with the tracts sought to be entered in any case, would make more than three hundred and twenty acres; who is not the owner in fee simple of one hundred and sixty acres of land in any State or Territory; and who has not entered upon or occupied the lands hereby opened in violation of this the President's proclamation opening the same to settlement and entry. (See section 2289 U. S. R. S.; act of March 2, 1889, 25 Stat., 854; section 13 of the act of March 2, 1889, 25 Stat., 1005; act of August 30, 1890, 26 Stat., 391; section 20, act of May 2, 1890, 26 Stat., 91; and section 10, act of March 3, 1893, 27 Stat., 640).

2. Each entry shall be in a compact body, according to the rectangular subdivisions of the public surveys, and in a square form, as nearly as reasonably practicable, consistently with such surveys, and no person shall be permitted to enter more than one quarter section in quantity of said lands. (See section 13, act of March 2, 1889, 25 Stat., 1005).

3. Parties who own and reside upon land (not acquired by them under the homestead law), not amounting in quantity to a quarter section, may, if otherwise qualified, enter other land lying contiguous to their own to an amount which shall not, with the land already owned by them, exceed in the aggregate 160 acres. (See section 2289, U. S. R. S.).

4. Any party, who has made a homestead entry prior to March second, eighteen hundred and eighty-nine, for less than one quarter section of land and who still owns and occupies the land so entered, may, if otherwise qualified, enter an additional tract of land lying contiguous to the land embraced in the original entry, which shall not, with the land first entered, exceed in the aggregate one hundred and sixty acres, but such additional entry will not be permitted, or if permitted will be canceled, if the original entry should fail, for any reason prior to patent, or should appear to be illegal or fraudulent. The final proof of residence and cultivation made on the original entry, together with the payment of the prescribed price for the land, will be sufficient to entitle the party to a final certificate for the land so entered without further proof. (See section 5 of the act of March 2, 1889, 25 Stat., 854).

5. Parties who have complied with the conditions of the law with regard to a homestead entry for less than one hundred and sixty acres of land made prior to March second, eighteen hundred and eighty-nine, and have had the final papers issued therefor, may, if otherwise qualified, make an additional entry, by legal subdivisions, of so much land as, added to the quantity previously so entered, shall not exceed one hundred and sixty acres. Parties making entry under the provisions set forth in this paragraph will be required to reside upon and cultivate the land embraced therein for the prescribed period and to submit proof of residence and cultivation of a like character with that required in ordinary homestead entries before the issuance of a final certificate. (See section 6, act of March 2, 1889, 25 Stat., 854).

6. Any officer, soldier, seaman or marine who served for not less than ninety days in the Army or Navy of the United States during the War of the Rebellion and who was honorably discharged and has remained loyal to the Government, or, in case of his death, his widow, or in case of her death or remarriage, his minor orphan children, by a guardian duly appointed and officially accredited at the Department of the Interior, may either in person, or by agent, file a declaratory statement for a tract of land and have six months thereafter within which to make actual entry and commence residence and improvements upon the land. (See sections 2304, 2307, and 2309 U. S. R. S.).

7. Every person entitled under the preceding paragraph to enter a homestead, who, or whose deceased husband or father in case of the widow or minor children, may have, prior to June twenty- second, eighteen hundred and seventy-four, entered, under the homestead laws, a quantity of land less than one hundred and sixty acres may, if otherwise qualified, enter so much land as, when added to the quantity previously entered, shall not exceed one hundred and sixty acres, but the party must make affidavit that the entry is made for actual settlement and cultivation, and the proof

of such settlement and cultivation, prescribed by existing homestead laws and regulations thereunder, will be required to be produced before the issue of final certificate. (See section 2306 U. S. R. S., and section 18 of the act of May 2, 1890, 26 Stat., 90).

8. Parties may initiate claims under the homestead law either by settlement on the land or by entry at the district office; in the former case, the party will have three months after settlement within which to file his application for the tract at the district office; in the latter case, the party will have six months after entry at that office, within which to establish residence and begin improvements upon the land. (See sections 2290 and 2297, U. S. R. S.; and section 3, of the act of May 14, 1880, 21 Stat., 140).

9. The homestead affidavits required to be filed with the application must be executed before the register or receiver of the proper district land office (see section 2290, U. S. R. S.), or before any other officer who may be found duly qualified at the time to administer such oaths according to the provisions of the act of Congress of May 26, 1890, 26 Stat., 121.

10. Parties applying to make homestead entry will be required to tender with the application the legal fee and commissions which are as follows: for an entry of over-eighty acres a fee of ten dollars, and for an entry of eighty acres or less a fee of five dollars, and, in both cases, in addition, commissions, of two per cent upon the Government price of the land, computed at the rate of $ 1.25 per acre, the ordinary minimum price of public lands under the general provisions of section 2357, U. S. R. S. (See sections 2238 and 2290 U. S. R. S.)

11. Homestead applicants appearing in great number at the local office to make entry at the time of opening will be required to form in line in order that their applications may be presented and acted upon in regular order.

12. Soldiers' declaratory statements can only be made by the parties entitled or by their agents in person, and will not be received if sent by mail. A party acting as agent and appearing in line, as contemplated under the eleventh paragraph, will be allowed to make one entry or filing in his individual character, if he so desires, and to file one declaratory statement in his representative character as agent, if such he shall be, and thereupon he will be required to step out of line, giving place to the next person in order, and, if he desires to make any other filings, to take his place at the end of the line and await his proper turn before doing so, and thus to proceed in order until all the filings desired by him shall be made.

13. Section two thousand three hundred and one of the Revised Statutes of the United States providing for commutation of homestead entries is not applicable to said lands. (See section 18 of the act of May 2, 1890, 26 Stat., 90).

14. Proof of five years' residence, cultivation, and improvement, and the payment prescribed by the statute, as hereinbefore mentioned must be made, before a party will be entitled to a patent under the homestead

law, and such proof is required to be made within seven years from the date of the entry. Commissions equal to two per cent, upon the Government price for the land, computed at $ 1.25 per acre under sections 2357 U. S. R. S., must also be tendered with the final proof. Interest at four per cent. per annum on the purchase price of the land must be paid from the date of the entry to date of final payment of purchase money. (See sections 2238 and 2291 U. S. R. S.,; and sections 10 and 13 of the act of March 3, 1893, 27 Stats. 640).

15. The parties named in paragraph six of these regulations are entitled to have the term of service in the Army or Navy, under which the claim is made, not exceeding four years, deducted from the period of five years' residence or cultivation required as stated in the preceding paragraph, or if the party was discharged from service on account of wounds or disabilities incurred in the line of duty, the whole term of enlistment not exceeding four years, may be deducted. (See section 2305 U. S. R. S.).

16. Where a homestead settler dies before the consummation of his claim, the widow, or, in case of her death, the heirs or devisee may continue settlement or cultivation, and obtain title upon requisite proof at the proper time. If the widow proves up, title will pass to her; if she dies before proving up and the heirs or devisee make the proof,- the title will vest in them, respectively. (See section 2291 U. S. R. S.).

17. Where both parents die, leaving infant children, the homestead may be sold for cash for the benefit of such children, and the purchaser will receive title from the United States. (See section 2292, U. S. R. S.).

18. In case of the death of a person after having entered a homestead, the failure of the widow, children, or devisee of the deceased to fulfill the demands of the letter of the law as to residence on the lands, will not necessarily subject the entry to forfeiture on the ground of abandonment. If the land is cultivated in good faith the law will be considered as having been substantially complied with.

19. Town site claims may be initiated upon said lands, under the statutes, by two methods, which are separate and distinct in character—the regulations under the first method are hereinafter set forth in paragraphs twenty, twenty-one and twenty-two, and under the second method in paragraphs twenty-three to twenty-eight, inclusive. Provision is further made for town-site entries in cases where lands entered under the homestead law are required for town-site purposes as set forth in paragraph thirty.

20. Parties having founded or who desire to found a city or town on the public lands, must file with the recorder of the county in which land is situate a plat thereof, describing the exterior boundaries of the land according to the lines of public surveys. Such plat must state the name of the city or town, exhibit the streets, squares, blocks, lots and alleys, and specify the size of the same, with measurements and area of each municipal subdivision, the lots in which shall not exceed 4,200 square feet, with a statement of the extent and general character of the improvements. The plat and statement must be verified by the oath of the party

acting for and in behalf of the occupants and inhabitants of the town or city. Within one month after filing the plat with the recorder of the county a verified copy of said plat and statement must be sent to the General Land Office, accompanied by the testimony of two witnesses that such town or city has been established in good faith, and a similar map and statement must be filed with the Register and receiver of the proper district office. Thereafter the President may cause the lots embraced within the limits of such city or town to be offered at public sale to the highest bidder subject to a minimum of ten dollars for each lot; and such lots as may not be disposed of at public sale shall thereafter be liable to private entry at such minimum, or at such reasonable increase or diminution thereafter as the Secretary of the Interior may order from time to time, after at least tree months' notice, in view of the increase or decrease in the value of the municipal property. Any actual settler upon any lot and upon any additional lot upon which he may have substantial improvements, shall be entitled to prove up and purchase the same as a pre-emption, at such minimum, at any time before the day fixed for the public sale. (See section 2382 U. S. R. S.)

21. In case the parties interested shall fail or refuse, within twelve months after founding a city or town, to file in the General Land Office a transcript map, with the statement and testimony, as required in paragraph twenty, the Secretary of the Interior may cause a survey and plat to be made of said city or town, and thereafter the lots will be sold at an increase of fifty per cent, on the minimum price of $ 10 per lot. (See section 2384 U. S. R. S.)

22. When lots vary in size from the limitation of 4200 square feet, and the lots, buildings, and improvements cover an area greater than 640 acres, such variance as to size of lots or excess in area will prove no bar to entry, but the price of the lots may be increased to such reasonable amount as the Secretary of the Interior may by rule establish. (See section 2385 U. S. R. S.)

23. Under the second method lands actually settled upon and occupied as a townsite, and therefore not subject to entry under the homestead laws, may be entered as a townsite, at the proper district land office. (See section 2387 U. S. R. S.)

24. If the town is incorporated, the entry may be made by the corporate authorities thereof through the mayor or other principal officer duly authorized so to do. If the town is not incorporated, the entry may be made by the judge of the county court for the county in which said town is situated. In either case the entry must be made in trust for the use and benefit of the occupants thereof, according to their respective interests. The execution of such trust as to the disposal of lots and the proceeds of sales is to be conducted under regulations prescribed by the territorial laws. Acts of trustees not in accordance with such regulations are void. (See sections 2387 and 2391 U. S. R. S.)

25. The officer authorized to enter a town-site may make entry at once, or he may initiate an entry by filing a declaratory statement of the purpose of the inhabitants to make a town-site entry of the land described.

The entry or declaratory statement shall include only such land as is actually occupied by the town, and the title to which is in the United States, and its exterior limits must conform to the legal subdivisions of the public lands. (See sections 2388 and 2389 U. S. R. S.)

26. The amount of land that may be entered under this method is proportionate to the number of inhabitants. One hundred and less than two hundred inhabitants may enter not to exceed 320 acres; two hundred and less than one thousand inhabitants may enter not to exceed 640 acres; and where the inhabitants number one thousand and over, an amount not to exceed 1280 acres may be entered; and for each additional one thousand inhabitants, not to exceed five thousand in all, a further amount of 320 acres may be allowed. When the number of inhabitants of a town is less than one hundred, the town-site shall be restricted to the land actually occupied for town purposes by legal subdivisions. (See section 2389 U. S. R. S.)

27. Where an entry is made of less than the maximum quantity of land allowed for town-site purposes, additional entries may be made of contiguous tracts occupied for town purposes, which, when added to the previous entry or entries, will not exceed 2,560 acres; but no additional entry can be allowed which will make the total area exceed the area to which the town may be entitled by virtue of its population at date of additional entry. (See section 4 of the act of March 3, 1877, 19 Stat., 392.)

28. The land must be paid for at the Government price per acre, and proof must be furnished relating—1st. To municipal occupation of the land; 2d, Number of inhabitants; 3d, Extent and value of town improvements; 4th, Date when land was first used for town-site purposes; 5th, Official character and authority of officer making entry; 6th, If an incorporated town, proof of incorporation, which should be a certified copy of the act of incorporation; and 7th, That a majority of the occupants or owners of the lots within the town desire that such action be taken. Thirty days' publication of notice of intention to make proof must be made and proof of publication furnished. (See section 2387 U. S. R. S.)

29. All surveys for town-sites on said lands shall contain reservations for parks (of substantially equal area if more than one park) and for schools and other public purposes embracing in the aggregate not less than ten nor more than twenty acres, and patents for such reservations, to be maintained for such purposes, will be issued to the towns respectively when organized as municipalities. (See section 22, act of May 2, 1890, 26 Stat., 92.)

30. In case any of said lands which may be entered under the homestead laws by a person who is entitled to perfect his title thereto under such laws, are required for town-site purposes, the entryman may apply to the Secretary of the Interior to purchase the lands embraced in said homestead, or any part thereof not less than a legal subdivision for town-site purposes. The party must file, in the district office with his application, a plat of the proposed town-site, and evidence of his qualifications to perfect title under the homestead law, and of his compliance with all the requirements of the law and the instructions thereunder, and must

deposit with the Secretary of the Interior the sum of ten dollars per acre for all the lands embraced in such town-site, except the lands to be donated and maintained for public purposes as mentioned in the preceding paragraph. (See section 22, act of May 2, 1890, 26 Stat., 92.)

Notice, moreover, is hereby given that it is by law enacted that no person shall be permitted to occupy or enter upon any of the lands herein referred to, except in the manner prescribed by this proclamation; and any person otherwise occupying or entering upon any of said lands shall forfeit all right to acquire any of said lands, and that the officers of the United States will be required to enforce this provision.

And further notice is hereby given that four land districts have been established in Oklahoma Territory with boundaries as follows:

The Perry district bounded and described as follows: Beginning at the middle of the main channel of the Arkansas river, where the same is intersected by the northern boundary of Oklahoma Territory; thence west to the northwest corner of township 29 north, range 2 west of the Indian Meridian; thence south on the range line between ranges 2 and 3 west to the southwest corner of lot 3 of section 31, township 20 north, range 2 west; thence east to the southeast corner of lot 4 of section 36, township 20 north, range 4 east; thence south on the range line between ranges 4 and 5 east to the middle of the main channel of the Cimarron river; thence down said river in the middle of the main channel thereof to the western boundary of the Creek Country; thence north to the northwest corner of the Creek Country; thence east on the northern boundary of said Creek Country to the middle of the main channel of the Arkansas river; thence up said river in the middle of the main channel thereof to the place of beginning; the local land office of which will be located at the town of Perry in County P.

The Enid district bounded and described as follows: Beginning at the northeast corner of township 29 north, range 3 west of the Indian Meridian; thence west to the northwest corner of township 29 north, range 8 west; thence south on the range line between ranges 8 and 9 west to the southwest corner of lot 3 of section 31, township 20 north, range 8 west; thence east to the southeast corner of lot 4 of section 36, township 20 north, range 3 west; thence north on the range line between ranges 2 and 3 west to the place of beginning; the local land office of which will be located at the town of Enid in County O.

The Alva district, bounded and described as follows: Beginning at the northeast corner of township 29 north, range 9 west of the Indian Meridian; thence west to the northwest corner of township 29 north, range 16 west; thence south on the range line between ranges 16 and 17 west to the southwest corner of lot 3 of section 31, township 20 north, range 16 west; thence east to the southeast corner of lot 4 of section 36, township 20 north, range 9 west; thence north on the range line between ranges 8 and 9 west to the place of beginning; the local land office of which will be located at the town of Alva in County M.

The Woodward land district bounded and described as follows: Beginning at the northeast corner of township 29 north, range 17 west of

the Indian Meridian; thence west to the northwest corner of township 29 north, range 26 west; thence south to the southwest corner of lot 3 of section 32, township 20 north, range 26 west; thence east to the southeast corner of lot 4 of section 36, township 20 north, range 17 west; thence north on the range line between ranges 16 and 17 west to the place of beginning; the local land office of which will be located at the town of Woodward in County N.

And further notice is hereby given that the line of ninety-seven and one-half degrees west longitude, named herein, for the purpose of disposing of the land hereby opened to settlement, is held to fall on the west line of sections two, eleven, fourteen, twenty-three, twenty-six, and thirty-five of the townships in range three west of the Indian Meridian, and the line of ninety-eight and one-half degrees of west longitude is held to fall on the line running due north and south through the centres of sections four, nine, sixteen, twenty-one, twenty-eight and thirty-three of the townships in range twelve west of the Indian Meridian, and said lines hade been so laid down upon the township plats on file in the General Land Office.

In witness whereof, I have hereunto set my hand and caused the seal of the United States to be affixed.

Done at the city of Washington this nineteenth day of August in the year of our Lord, one thousand eight hundred and ninety-three
(Seal.) and of the Independence of the United States the one hundred and eighteenth.

Grover Cleveland.

By the President:
W. Q. Gresham,
Secretary of State.

(A.)

Declaration.

Required by President's proclamation of August 19, 1893, preparatory to occupying or entering upon the lands of the Cherokee Outlet, for the purpose of making a homestead entry.

No. —.

Booth in T. —— N., R. ——,
——, 1893.

I, —— of ——, being desirous of occupying or entering upon the lands opened to settlement by the President's proclamation of August 19, 1893, for the purpose of making a homestead entry, do solemnly declare that I am over twenty-one years of age or the head of a family; that I am a citizen of the United States (or have declared my intention to become such); that I have not perfected a homestead entry for 160 acres of land under any law except what is known as the commuted provision of the homestead law contained in Sec. 2301, R. S., nor have I made or

commuted a homestead entry since March 2, 1889;*) —— that I have not entered since August 30, 1890, under the land laws of the United States or filed upon a quantity of land agricultural in character and not mineral, which, with the tracts now desired would make more than 320 acres; that I am not the owner in fee simple of 160 acres of land in any State or Territory; that I have not entered upon or occupied, nor will I enter upon or occupy, the lands to be opened to settlement by the President's proclamation of August 19, 1893, in violation of the requirements of said proclamation, that I desire to make entry for the purpose of actual settlement and cultivation, and not for the benefit of any other person, persons, or corporation, that I will faithfully and honestly endeavor to comply with all the requirements of law as to settlement, residence, and cultivation necessary to acquire title to the land I may select; that I am not acting as agent of any person, corporation, or syndicate, in entering upon said lands, nor in collusion with any person, corporation, or syndicate to give them the benefit of the land I may enter, or any part thereof, or the timber thereon; that I do not apply to enter upon said lands for the purpose of speculation, but in good faith, to obtain a home for myself, and that I have not directly or indirectly made, and will not make, any agreement or contract in any way or manner with any person or persons, corporations or syndicate whatsoever, by which the title which I may acquire from the Government of the United States should inure in whole or in part to the benefit of any person except myself.

—— ——.

I certify that the foregoing declaration was made and subscribed before me this —— day of ——, 1893.

—— ——,
Officer in Charge.

(B.)

Declaration.

Required by President's proclamation of August 19, 1893, preparatory to occupying or entering upon the lands of the "Cherokee Outlet" for the purpose of filing a soldier's declaratory statement in person.

No. —.

Booth in T. —— N., R. ——,
——, 1893.

I, ——, of —— County, and State or Territory of ——, do solemnly declare that I served for a period of —— in the Army of the United States during the war of the rebellion, and was honorably discharged

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*) If the party has made a homestead entry since March 2, 1889, but has failed or is unable to perfect title to the land covered thereby because of a valid adverse claim, or other invalidity existing at the date of its inception, strike out the words "made or" and insert in the blank space „that I have made a homestead entry since March 2, 1889, but have failed or am unable to perfect title to the land covered thereby because of a valid adverse claim or other invalidity existing at the date of its inception."

therefrom, as shown by a statement of such service herewith, and that I have remained loyal to the Government; that I have not perfected a homestead entry for 160 acres of land under any law except what is known as the commuted provision of the homestead law contained in Sec. 2301, R. S., nor have I filed a declaratory statement under sections 2304 and 2309 of the Revised Statutes, or made or commuted a homestead entry since March 2, 1889;*) —— that I have not entered since August 30, 1890, under the land laws of the United States, or filed upon, a quantity of land agricultural in character, and not mineral, which, with the tracts now desired, would make more than 320 acres; that I am not the owner in fee simple of 160 acres of land in any State or Territory; that I have not entered upon or occupied, nor will I inter upon or occupy, the lands to be opened to settlement by the President's proclamation of August 19, 1893, in violation of said proclamation; that I intend to file a soldier's declaratory statement upon said lands, which location will be made for my exclusive use and benefit, for the purpose of my actual settlement and cultivation, and not, either directly or indirectly, for the use and benefit of any other person.

—— ——,

I certify that the foregoing declaration was made and subscribed before me this —— day of ——, 1893.

—— ——,
Officer in Charge.

(C.)

Declaration.

Required by President's proclamation of August 19, 1893, preparatory to entering upon the lands of the "Cherokee Outlet" for the purpose of filing a soldier's declaratory statement as agent.

No. —.

Booth in T. —— N., R. ——.
——, 1893.

I, ——, of ——, desiring to enter upon the "Cherokee Outlet" for the purpose of filing a soldier's declaratory statement under sections 2304 and 2309, U. S. R. S., as agent of ——, do hereby declare the I have no interest or authority in the matter, present or prospective, beyond the filing of such declaratory statement as the true and lawful attorney of the said —— as provided by said sections 2304 and 2309.

—— ——.

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*) If the party has made an entry or filing since March 2, 1889, to which he is unable to perfect title because of a valid adverse claim, or other invalidity existing at the date of its inception, strike out the words "filed a declaratory statement under sections 2304 and 2309 of the Revised Statutes, or made or" and insert in the blank space „that I have made an entry or filing since March 2, 1889, but have failed or am unable to perfect title to the land covered thereby because of a valid adverse claim or other invalidity existing at the date of its inception."

I certify that the foregoing declaration was made and subscribed before me this —— day of ——, 1893.

—— ——,
Officer in Charge.

(D.)

Certificate.

That must be held by party desiring to occupy or to enter upon the lands opened to settlement by the President's proclamation of August 19, 1893, for the purpose of making a homestead entry or filing a soldier's declaratory statement.

No. —.

Booth in T. —— N., R. ——.
——, 1863.

This certifies that —— has this day made the declaration before me required by the President's proclamation of August 19, 1893, and he is, therefore, permitted to go in upon the lands opened to settlement by said proclamation at the time named therein, for the purpose of making a homestead entry or filing a soldier's declaratory statement.

It is agreed and understood that this certificate will not prevent the district land officers from passing upon the holder's qualifications to enter or file for any of said lands at the proper time and in the usual manner, and that the holder will be required when he makes his homestead affidavit, or, if a soldier or a soldier's agent, when he files a declaratory statement at the district office, to allege under oath before the officer taking such homestead affidavit, or to whom said declaratory statement is presented for filing, that all of the statements contained in the declaration made by him, upon which this certificate is based are true in every particular.

—— ——,
Officer in charge,

This certificate is not transferable. The holder will display the certificate, demanded, after locating on claim.

(E.)

Declaration.

Required by President's proclamation of August 19, 1893, preparatory to occupying or entering upon the lands of the Cherokee Outlet for the purpose of settling upon a town lot.

No. —.

Booth in T. —— N., R. ——,
——, 1893,

I, ——, of ——, being desirous of occupying or entering upon lands opened to settlement by the President's proclamation of August 19, 1893, do solemnly declare that I have not entered upon or occupied, nor will I enter upon or occupy, any of the lands to be opened to settlement by the

President's proclamation of August 19, 1893, in violation of the requirements of said proclamation, and that I desire to go in upon said lands for the purpose of settling upon a town lot.

—— ——,

I certify the foregoing declaration was made and subscribed before me this —— day of ——, 1893.

—— ——,
Officer in Charge,

(F.)

Certificate.

That must be held by party desiring to occupy or enter upon the lands opened to settlement by the President's proclamation of August 19, 1893, for the purpose of settling upon a town lot.

No. —.

Booth in T. —— N., R. ——,
——, 1893.

This certifies that —— has this day made the declaration before me required by the President's proclamation of August 19, 1893, and he is, therefore, permitted to go in upon the lands opened to settlement by said proclamation at the time named therein for the purpose of settling upon a town lot.

—— ——,
Officer in Charge.

This certificate is not transferable. The holder will display the certificate, if demanded, after locating on claim.

[4—102*d*.]

Affidavit.

Land Office at ——,
——, 1893.

I, ——, of ——, applying to enter (or file for) a homestead, do solemnly swear that I did not enter upon and occupy any portion of the lands described and declared open to entry in the President's proclamation dated August 19, 1893, prior to 12 o'clock, noon, of September 16, 1893; also that all of the statements contained in a certain declaration made me as foundation for obtaining permission to enter upon the Cherokee Outlet in pursuance of requirements of the President's proclamation opening said outlet to settlement are true in every particular.

—— ——.

Sworn to and subscribed before me this —— day of ——, 189—.

—— ——.

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*) This affidavit must be made before the register or receiver of the proper district land office, or before some officer authorized to administer oaths and using a seal.

78.

ITALIE, PARAGUAY.

Traité d'amitié, de commerce et de navigation; du 22 août 1893.*)

Trattati e Convenzioni fra il Regno d'Italia e gli altri Stati, Vol. XIII, Rome 1895.

Sua Maestà il Re d'Italia ed il Governo della Repubblica del Paraguay, desiderando di regolare ed estendere le relazioni di commercio tra i due paesi, hanno determinato di conchiudere a questo scopo un trattato ed hanno nominato a tal fine per loro plenipotenziari:

Sua Maestà il Re d'Italia:

il signor commendatore Giuseppe Anfora, duca di Licignano, suo Inviato straordinario e Ministro plenipotenziario presso le Repubbliche del Plata e del Paraguay, e

L'Eccellentissimo signor presidente della Repubblica del Paraguay:

il signor dottor Venanzio V. Lopez., suo Ministro segretario di Stato per gli affari esteri,

i quali, dopo essersi vicendevolmente comunicati i rispettivi pieni poteri, che furono trovati in buona e debita forma, hanno convenuto negli articoli seguenti:

Art. 1. — Vi sarà amicizia e completa ed intera libertà di commercio e di navigazione tra gli Stati delle due Alte Parti contraenti.

I cittadini italiani nella Repubblica del Paraguay ed i cittadini paraguayani negli Stati di Sua Maestà il Re d'Italia potranno approdare e rimanere liberamente e con tutta sicurezza coi loro bastimenti e carichi in tutti quei punti, porti e fiumi, i quali siano attualmente, o possano essere in avvenire, aperti al commercio estero. Con ciò rimane anche inteso che i fiumi Paraguay e Paranà saranno aperti alla libera navigazione dei bastimenti italiani.

I cittadini di una Parte godranno rispettivamente negli Stati e possedimenti dell'altra Parte degli stessi diritti, privilegi, libertà, favori, immunità ed esenzioni, pel loro commercio e navigazione, di cui godono e godranno gli stranieri che godono il trattamento della nazione più favorita, senza dover pagare alcuna tassa o imposta maggiore di quelle pagate dai medesimi, ed assaggettandosi alle leggi ed ai regolamenti in vigore.

Le navi da guerra delle due Potenze saranno trattate nei porti rispettive come quelle della nazione più favorita.

Art. 2. — I cittadini di ciascuna delle due Parti contraenti potranno viaggiare e dimorare liberamente nei rispettive territori, esercitare il commercio tanto all'ingrosso come al minuto, prendere in affitto ed occupare

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*) Ratifié à Rome le 14 juin 1894.

case, magazzini e botteghe, siccome potrà loro convenire; effettuare trasporti di merci e denaro, ricevere merci in deposito tanto dall'interno che dall'estero, pagando i soli diritti stabiliti dalle leggi in vigore per i nazionali; vendere e comprare direttamente o per intermedia persona a loro scelta, e fissare i prezzi dei beni, effetti, mercanzie e qualsiasi altro oggetto, tanto se importati, quanto se nazionali, sia che li vendano all'interno o li esportino, conformandosi sempre alle leggi ed ai regolamenti del paese; curare e fare i loro affari e presentare alle dogane le loro dichiarazioni o da sè stessi o per mezzo dei loro procuratori od agenti, senza essere sottoposti ad altre restrizioni, gravami, contribuzioni od imposte che a quelle che pesano sopra i nazionali.

Essi avranno egualmente il diritto di disimpegnare ogni qualsiasi incarico che venisse loro affidato dai propri concittadini, da stranieri o da nazionali, in qualità di procuratori, fattori, commessi, agenti, consegnatari od interpreti.

Infine essi non pagheranno, in ragione del loro commercio od industria, nei porti, nelle città od in qualsiasi luogo dei due Stati, ove si sieno definitivamente o temporariamente stabiliti, se non i medesimi diritti, tasse od imposte che siano o saranno a carico dei nazionali; ed i privilegi, immunità od altri favori accordati in materia di commercio o d'industria ai cittadini di uno dei due paesi verranno egualmente accordati a quelli dell'altro.

Art. 3. — I cittadini dell'uno degli Stati contraenti godranno sul territorio dell'altro della più costante protezione e sicurezza nelle loro persone, nelle loro proprietà e nei loro interessi, e godranno, a questo riguardo, degli stessi diritti e privilegi che sono o saranno ai nazionali, sottomettendosi alle condizioni imposte a questi ultimi.

Essi andranno peraltro esenti negli Stati dell'altra Parte dal servizio militare obbligatorio, sia nell'esercito che nella marina, nella guardia nazionale o nella milizia; come pure da ogni specie di contribuzione in danaro o in natura imposta a compenso del servizio personale, nonchè da qualunque prestazione o requisizione militare, ad eccezione soltanto di quelle cui tutti gli abitanti del paese, senza distinzione di nazionalità, possono essere chiamati a concorrere nella qualità di proprietari e conduttori di beni stabili.

Art. 4. — Il Governo del Paraguay, qualora si promovessero, sia in Italia che in altro paese, per conto suo o per concessioni fatte a privati od a società, arruolamenti di emigranti italiani per il Paraguay, provvederà perchè i contratti a proporsi sieno equi e le promesse attuabili e che gli stessi contratti, se equi, vengano scrupolosamente eseguiti; invigilerà che il trasporto, lo sbarco e lo stabilimento di detti emigranti abbiano luogo secondo le norme dell'umanità, dell'igiene, della sicurezza; punirà in conformità alle leggi vigenti chiunque inganni in qualsiasi modo l'emigrante o ne abusi, e darà la sua miglior assistenza a quest'ultimo, quando ingannato o abusato, perchè consegua da chi si deve conveniente indennizzo.

Art. 5. — I cittadini di ambe le Parti contraenti non potranno essere sottomessi rispettivamente a nessun sequestro od embargo, nè essere trattenuti coi loro bastimenti, equipaggi, mercanzie od oggetti commerciali,

per qualunque spedizione militare, nè per ragioni di Stato, nè per uso pubblico di veruna sorte.

Art. 6. — Tutte le mercanzie e tutti gli oggetti di commercio, tanto se prodotti del suolo o della industria dei due Stati contraenti, come di qualunque altro paese, la cui importazione fosse dalle leggi permessa, anche in via eccezionale, a qualche Stato estero nell'uno o nell'altro degli Stati contraenti, potranno egualmente essere importati sopra bastimenti italiani o paraguayani, senza pagare altri o maggiori diritti di quelli che pagano l legni della nazione più favorita.

Questa reciproca eguaglianza di trattamento verrà indistintamente applicata alle mercanzie ed agli oggetti che giungessero sia direttamente dai porti degli Stati contraenti sia da un altro punto qualsiasi, ed anche se imbarcate su bastimenti di altre nazionalità, dovendo, in questo caso, presentare documenti giustificativi della procedenza d'origine.

Si osserverà la stessa eguaglianza di trattamento nelle esportazioni e nei transiti, senza distinzione di provenienza o destinazione, ed anche riguardo alle franchigie, agli abbuoni ed ai rimborsi di diritti (drawbacks) che la legislazione dei due paesi abbia già stabiliti o potesse in seguito stabilire.

Non si percepiranno inoltre in Italia sovra la importazione o la esportazione degli articoli provenienti dal suolo o dalla industria del Paraguay, e, rispettivamente, nel Paraguay sopra la importazione od esportazione degli articoli provenienti dal suolo o dall'industria dell'Italia, diritti maggiori di quelli che si percepiscono o si percepiranno sopra i medesimi articoli provenienti dal suolo o dall'industria delle nazioni più favorite.

Resta inteso inoltre che i dazi della tarifta doganale del Paraguay (anche nel caso che i dazi ad valorem fossero convertiti in specifici) e, rispettivamente, i dazi della tariffa doganale italiana, non patranno essere in alcun caso nè per qualunque motivo, per i prodotti e le merci italiane e, rispettivamente, per le merci e prodotti del Paraguay, più elevati di quelli che colpiscono o colpiranno le merci ed i prodotti similari della nazione più favorita, comprendendosi fra tali dazi anche i diritti addizionali, governativi o municipali, o di qualsiasi altra specie.

Art. 7. — Ognuna delle due Parti contraenti si obbliga a non accordare, nel proprio Stato, monopolio o privilegio propriamente detti a danno del commercio, della bandiera e dei cittadini dell'altro.

Le disposizioni di questo articolo non si estendono ai prodotti che nei due Stati formeranno oggetto di monopolio o privilegio governativo, nè ai brevetti d'invenzione, nè alle marche, disegni e modelli di fabbrica, nè a quei privilegi o sovvenzioni speciali che l'una delle due Parti contraenti credesse, nell'esercizio della sua libertà, opportuno di accordare, mediante contratto a titolo oneroso e correspettivo, a date linee di navigazione, per fini e scopi determinati.

Art. 8. — I cittadini delle due Parti contraenti potranno egualmente esercitare nei porti dei due paesi il commercio di scalo, non pagando in ciascun porto diritti maggiori di quelli che pagano le nazioni più favorite.

Art. 9. — I bastimenti mercantili di ciascuna delle Parti contraenti non andranno, in nessun caso, soggetti nei porti dell'altra a diritti maggiori o

diversi da quelli che si pagano dai bastimenti delle nazioni più favorite per tonnellaggio, porto, faro, pilotaggio, quarantena od altri di qualsiasi sorta o denominazione, percepiti a nome o a benefizio del Governo, dei pubblici funzionari, delle provincie, dei comuni, delle corporazioni o di qualunque altro stabilimento.

Art. 10. — Quando una nave di una delle due Parti contraenti venisse a naufragare, investire o soffrire avarie sulle coste od in altro qualsiasi luogo di giurisdizione dell'altra Parte, i cittadini rispettivi riceveranno per essi e per i loro bastimenti, effetti o mercanzie, la medesima assistenza dalle autorità locali, che sarebbe data agli abitanti del paese ove l'infortunio ebbe luogo.

Peraltro, le operazioni relative al salvataggio saranno dirette dagli agenti consolari della nazione cui appartiene il legno naufragato, investito od avariato.

Le autorità locali dovranno, al più presto possibile, far noto ai detti agenti l'infortunio di cui si tratta, e limitare il loro intervento alla tutela dell'ordine e degli interessi di coloro che eseguiscono il salvataggio, se non appartengono agli equipaggi naufragati, e ad assicurarsi dell'adempimento delle disposizioni concernenti la introduzione delle merci salvate.

Art. 11. — In tutti i territori e domini dei due Stati sarà accordata ai bastimenti dell'altro la facoltà di completare il proprio equipaggio per poter continuare il viaggio con marinai arruolati nel paese, semprechè si conformino alle leggi locali e l'arruolamento sia volontario.

Qualora un bastimento di una delle due Parti contraenti voglia completare nei porti del proprio paese il suo equipaggio con marinai cittadini dell'altra Parte contraente, esso non potrà farlo che in seguito a permesso in iscritto dell'agente consolare dell'altra nazione, il quale non potrà negarsi a darlo, senza giustificato motivo.

Art. 12. — Le navi, mercanzie ed effetti appartenenti ai cittadini di una delle Parti contraenti, che fossero stati predati da pirati, sia nei limiti della rispettiva giurisdizione, sia nelle acque territoriali di altro Stato, sia in alto mare, e fossero trasportati e trovati nei porti, fiumi, spiagge e domini dell'altra Parte, saranno consegnati ai loro proprietari, mediante il rimborso delle spese occorse per la ripresa.

In questi casi l'azione di rivendicazione devrà essere promossa nello spazio di due anni innanzi ai tribunali dalle parti interessate, che potranno, per tal fine, farsi rappresentare dai procuratori od agenti della loro nazione.

Art. 13. — Saranno considerati come bastimenti italiani nel Paraguay, e viceversa come bastimenti paraguayani in Italia, quelli che navigheranno sotto la respettiva bandiera e che saranno muniti delle carte di bordo e degli altri documenti richiesti dalla legislazione degli Stati rispettivi per la giustificazione della nazionalità dei bastimenti di commercio addetti alla navigazione.

Art. 14. — I cittadini di ciascuno dei due paesi saranno ammessi nell'altro al godimento dei diritti civili.

Quindi è riconosciuta loro da ambe le Parti contraenti la facoltà di possedere beni mobili e stabili, e di disporre a loro piacimento per vendita,

donazione, permuta, ed in qualunque altro modo, di tutte le proprietà di qualsivoglia specie che possederanno nei territori rispettivi.

Essi godranno egualmente e reciprocamente del diritto di ricevere e trasmettere detti beni per successione, sia ab intestato che per testamento, senzachè possano essere sottomessi, per causa della loro qualità di forastieri, ad alcuna tassa od imposizione che non pesi egualmente sui nazionali.

Art. 15. — I cittadini di ciascuno dei due Stati contraenti godranno nel territorio dell'altro della stessa protezione dei nazionali per tutto ciò che concerne la proprietà delle invenzioni e scoperte industriali, come pure delle marche e segni di fabbrica o di commercio.

Tale protezione non potrà durare, a favore degli italiani nel Paraguay, e reciprocamente dei paraguayani in Italia, per un tempo maggiore di quello stabilito dalla legge del paese per i nazionali, e non potrà essere invocata per quelle invenzioni, scoperte, marche e segni di fabbrica o di commercio che appartengono al dominio pubblico nel paese d'origine.

Siffatti diritti dei cittadini di una delle Parti contraenti non rimarranno pregiudicati negli Stati dell'altra per la circostanza di non aver fatto uso delle loro invenzioni o scoporte o delle marche rispettive secondo le leggi vigenti nei due paesi.

Non si potrà, tuttavia, rivendicare, dagli italiani nel Paraguay e dai paraguayani in Italia, la proprietà esclusiva delle invenzioni, scoperte o marche rispettive, senza la previa osservanza delle leggi e regolamenti che ivi sono o saranno in vigore per ciò che riguarda il deposito dei relativi disegni o modelli.

Art. 16. — I cittadini dell'una e dell'altra Parte avranno libero accesso ai tribunali di giustizia per far valere o difendere i loro diritti, senza altre condizioni, restrizioni o tasse, all'infuori di quelle imposte ai nazionali.

Avranno inoltre la facoltà di eleggere liberamente i loro difensori ed agenti, al pari dei nazionali, e di assistere alle udienze, dibattimenti e sentenze dei tribunali, nelle cause nelle quali fossero interessati, come pure di assistere alle informazioni, esami e deposizioni di testimoni che possano avere luogo in occasione dei giudizi medesimi, semprechè le leggi dei rispettivi paesi permettano la pubblicità di tali atti.

Essi godranno, infine, dell'assistenza giudiziaria gratuita, in quelle stessi casi e con quelle stesse condizioni con cui le leggi del paese accordano un tale benefizio ai nazionali.

In ogni caso il certificato d'indigenza dovrà essere rilasciato al cittadino che domanda l'assistenza, dalle autorità della sua residenza abituale.

Se egli non risiede nel paese in cui si fa la domanda, il detto certificato sarà approvato e legalizzato dall'agente diplomatico o consolare del paese in cui il certificato deve essere prodotto.

Se il postulante risiede nel paese in cui fa la domanda, potranno inoltre essere prese delle informazioni presso le autorità della nazione a cui egli appartiene.

Art. 17. — I due Governi contraenti si obbligano a fare eseguire le notificazioni o citazioni giudiziarie e le commissioni rogatorie delle ris-

pettive autorità giudiziarie, in quanto le leggi del paese non vi si oppongano.

Le notificazioni, citazioni e commissioni rogatorie saranno trasmesse in via diplomatica. Le spese occorrenti resteranno a carico del Governo richiesto.

Art. 18. — Le sentenze ed ordinanze in materia civile e commerciale emanate dai tribunali di una delle Parti contraenti, e debitamente legalizzate, avranno, sulla richiesta dei tribunali stessi, negli Stati dall'altra Parte, la stessa forza di quelle emanate dai tribunali locali, e saranno reciprocamente eseguite e produrranno gli stessi effetti ipotecari sovra quei beni che ne saranno passibili, secondo le leggi del paese ed osservate le disposizioni delle leggi stesse in ordine alla inscrizione ed alle altre formalità.

Perchè possano eseguirsi, queste sentenze ed ordinanze dovranno essere previamente dichiarate esecutorie dal tribunale superiore nella cui giurisdizione o territorio dovrà aver luogo la esecuzione, mediante un giudizio di delibazione, in cui, citate le parti in via sommaria, si esaminerà:

1. se la sentenza sia stata proferita da una autorità giudiziaria competente;

2. se sia stata pronunziata, citate regolarmente le parti;

3. se le parti sieno state legalmente rappresentate o legalmente contumaci;

4. se la sentenza contenga disposizioni contrarie all'ordine pubblico o al diritto pubblico interno dello Stato.

L'esecutorietà della sentenza potrà essere richiesta in via diplomatica, ovvero direttamente dalla parte interessata.

Quando è chiesta in via diplomatica, se la parte interessata non ha allo stesso tempo costituito un procuratore, questi gli verrà deputato d'ufficio dal tribunale che deve dichiarare esecutoria la sentenza.

La parte istante dovrà soddisfare al procuratore, deputato d'ufficio, il pagamento de' suoi onorari e delle spese che gli sono dovute.

Art. 19. — Gli atti notarili di qualunqne specie, ancorchè stipulati prima della esecuzione del presente trattato, avranno rispettivamente nei due paesi la stessa forza e valore di quelli emanati e ricevuti dalle autorità locali e dai notari esercenti sul luogo, quando questi sieno stati sottoposti a tutte le formalità ed al pagamento dei relativi diritti stabiliti nei rispettivi Stati.

Questi atti però non potranno avere la forza esecutiva che la legge loro accorda, se questa non fu loro prima impartita dall'autorità competente del luogo in cui vuol farsi l'esecuzione, previo sommario giudizio, in cui si compiranno le formalità stabilite dall'articolo precedente, in quanto vi sono applicabili.

Art. 20. — I cittadini indigenti dei due paesi saranno assistiti e trattati come quelli delle nazioni più favorite, secondo le leggi dei rispettivi Stati.

Art. 21. — Se una delle parti contraenti accordasse nel l'avvenire ad un altro Stato qualche particolare favore o concessione, in materia di commercio, di navigazione o di altro oggetto contemplato nel presente trattato, questo si intenderà ipso facto e di pien diritto concesso all'altra parte.

Art. 22. — Mentre fra i due Governi non sia stipulata una convenzione consolare, i consoli generali, consoli, viceconsoli ed agenti consolari rispettivi

godranno, nell'uno e nell'altro paese, degli stessi diritti, prerogative ed immunità che le due Parti contraenti avessero accordato o potessero accordare agli agenti della stessa categoria della nazione più favorita.

Art. 23. — I due Governi contraenti convengono che le controversie le quali possono sorgere intorno alla interpretazione o alla esecuzione del presente trattato, od alle consequenze di qualche sua violazione, debbano assoggettarsi, quando sieno esauriti i mezzi di comporle direttamente per amichevole accordo, alla decisione di Commissioni arbitrali, e che il risultato di simile arbitrato sarà obbligatorio per entrambi.

I componenti di tali Commissioni saranno scelti dai due Governi di comune consenso; in difetto di ciò, ognuna delle Parti nominerà il proprio arbitro o un numero eguale di arbitri, e gli arbitri nominati ne sceglieranno un ultimo.

La procedura arbitrale sarà in ciascuno dei casi determinata dalle Parti contraenti, e, in difetto, il collegio stesso degli arbitri si intenderà autorizzato previamente a determinarla.

Art. 24. — Il presente trattato starà in vigore per quattro anni, a decorrere dal giorno in cui si farà lo scambio delle ratifiche, ma, se un anno prima dello spirare del termine, niuna delle Parti contraenti avesse annunciato ufficialmente all'altra l'intenzione di farne cessare gli effetti, continuerà in vigore per ambe le Parti, sino ad un anno dopo che siasi fatta la suddetta dichiarazione, qualunque sia l'epoca in cui abbia luogo.

Art. 25. — Il presente trattato sarà approvato e ratificato da Sua Maestà il Re d'Italia e dall'Eccellentissimo signor Presidente della Repubblica del Paraguay, secondo la costituzione di ognuno dei due paesi, e le ratifiche ne saranno scambiate in questa capitale nel termine di un anno dal giorno della firma, od anche più presto, se ciò sarà possibile.

In fede di che, i rispettivi plenipotenziari hanno firmato il presente trattato e vi hanno apposto il sigillo delle loro armi.

Fatto all'Assunzione, capitale della Repubblica del Paraguay, addì ventidue del mese di agosto dell'anno di N. S. mille ottocento novantatre.

G. Anfora.
Venanzio V. Lopez.

Druck von G. Kreysing in Leipzig.

NOUVEAU

RECUEIL GÉNÉRAL

DE

TRAITÉS

ET

AUTRES ACTES RELATIFS AUX RAPPORTS DE DROIT INTERNATIONAL.

CONTINUATION DU GRAND RECUEIL

DE

G. FR. DE MARTENS

PAR

Felix Stoerk

Professeur de droit public à l'Université de Greifswald.
Membre de l'Institut de droit international.

DEUXIÈME SÉRIE.

TOME XXII.

TROISIÈME LIVRAISON.

LEIPZIG
LIBRAIRIE DIETERICH
THEODOR WEICHER
1897.

79.

ALLEMAGNE, AUTRICHE-HONGRIE, BELGIQUE, FRANCE. ITALIE, LUXEMBOURG, PAYS-BAS, RUSSIE, SUISSE.

Déclaration additionnelle à la Convention internationale du 14 octobre 1890 sur le transport de marchandises par chemins de fer; du 20 septembre 1893.*)

Reichsgesetzblatt, 1896, No. 34.

Les Gouvernements de l'Allemagne, de l'Autriche et de la Hongrie, de la Belgique, de la France, de l'Italie, du Luxembourg, des Pays-Bas, de la Russie et de la Suisse, ayant jugé opportun de déterminer avec précision la procédure d'accession à la Convention signée à Berne, le 14 octobre 1890, les soussignés, dûment autorisés à cet effet par leurs Gouvernements, sont convenus de ce qui suit:

Les Etats qui n'ont pas pris part à la Convention du 14 octobre 1890,**) sur le transport de marchandises par chemin de fer, peuvent demander à y adhérer.

Ils s'adresseront, à cet effet, au Gouvernement suisse.

Nachdem die Regierungen von Deutschland, Oesterreich und Ungarn, Belgien, Frankreich, Italien, Luxemburg, der Niederlande, von Russland und der Schweiz es für zweckmässig erachtet haben, das bezüglich des Beitritts zu dem am 14. Oktober 1890 in Bern vollzogenen Uebereinkommen zu beobachtende Verfahren genau zu regeln, sind die Unterzeichneten auf Grund der ihnen durch ihre Regierungen in gehöriger Form ertheilten Ermächtigung über Folgendes übereingekommen:

Die Staaten, welche an dem Uebereinkommen über den Eisenbahnfrachtverkehr vom 14. Oktober 1890**) nicht betheiligt sind, können ihren Beitritt zu demselben erklären.

Sie haben sich zu diesem Zweck an die Schweizerische Regierung zu wenden.

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*) Ratifiée.
) V. **N. R. G. 2e série XIX, 366.

Ledit Gouvernement transmettra cette demande à l'Office central, pour examen, et il communiquera ensuite ses propositions aux Etats signataires.

Si l'accord s'établit, le Gouvernement suisse donnera acte à l'Etat intéressé de l'acceptation de l'accession, qu'il notifiera également aux Gouvernements signataires.

L'adhésion produira ses effets un mois après la date de la notification faite par le Gouvernement suisse. Elle emporte de plein droit acceptation de toutes les clauses de la Convention.

La présente Déclaration sera ratifiée et l'échange des ratifications aura lieu à Berne, aussitôt que faire se pourra, dans la forme adoptée pour la Convention elle-même.

Elle entrera en vigueur à dater du jour de l'échange des ratifications et aura la même durée que la Convention.

En foi de quoi, les soussignés ont dressé le présent acte, quils ont revêtu de leurs cachets.

Fait à Berne, en neuf exemplaires, le 20 septembre 1893.

Die gedachte Regierung wird den bezüglichen Antrag dem Centralamt zur Prüfung übermitteln und demnächst ihre Vorschläge den Vertragsstaaten mittheilen.

Im Falle allseitiger Zustimmung wird die Schweizerische Regierung die Annahme der Beitrittserklärung dem betreffende Staat und in gleicher Weise den Vertragsstaaten bekannt geben.

Der Beitritt soll in Wirksamkeit treten einen Monat nach dem Datum der durch die Schweizerische Regierung erfolgten Bekanntgabe. Er schliesst von Rechtswegen die Annahme aller Bestimmungen des Uebereinkommens in sich.

Die gegenwärtige Erklärung soll ratifizirt werden und der Austausch der Ratifikations-Urkunden soll in der für das Uebereinkommen selbst gewählten Form thunlichst bald zu Bern erfolgen.

Die Erklärung soll mit dem Tage des Austausches der Ratifications-Urkunden in Kraft treten und dieselbe Dauer wie das Uebereinkommen haben.

Zu Urkund dessen haben die Unterzeichneten die gegenwärtige Verhandlung aufgenommen und derselben ihre Siegel beigedrückt.

Ausgefertigt in neun Exemplaren zu Bern, am 20. September 1893.

(L. S.)	Pour l'Allemagne:	*Busch.*
(L. S.)	Pour l'Autriche et la Hongrie:	*Seiller.*
(L. S.)	Pour la Belgique:	*Ivoris.*
(L. S.)	Pour la France:	*Emmanuel Arago.*
(L. S.)	Pour l'Italie:	*A. Peiroleri.*
(L. S.)	Pour le Luxembourg:	Dr. *Franck.*
(L. S.)	Pour les Pays-Bas:	*Jan Scholten.*
(L. S.)	Pour la Russie:	*A. Hamburger.*
(L. S.)	Pour la Suisse:	*Lachenal.*

Die vorstehende Zusatzerklärung ist ratifizirt und die Ratifikations-Urkunden sind in den Archiven der Regierung der Schweizerischen Eidgenossenschaft zu Bern am 21. September 1896 niedergelegt worden.

80.

BELGIQUE.

Arrêté royal concernant l'exécution de l'article 11 de la convention conclue à Paris, le 20 mars 1883, pour la protection de la propriété industrielle; du 25 septembre 1893.

Moniteur belge, 13 octobre 1893.

Ministère de l'agriculture, de l'industrie et des travaux publics.

Direction de l'Industrie.

Exécution de l'article 11 de la convention conclue à Paris, le 20 mars 1883, pour la protection de la propriété industrielle.

Léopold II, Roi des Belges,

A tous présents et à venir, Salut.

Vu l'article 11 de la convention du 20 mars 1883*) pour la protection de la propriété industrielle, lequel est ainsi conçu:

„Les hautes parties contractantes s'engagent à accorder une protection temporaire aux inventions brevetables, aux dessins ou modèles industriels, ainsi qu'aux marques de fabrique ou de commerce pour les produits qui figureront aux expositions internationales officielles ou officiellement reconnues."

Vu l'article 3 de la loi du 5 juillet 1884, qui dispose que des arrêtés royaux détermineront, le cas échéant, les mesures à prendre pour assurer l'exécution de la dite convention;

Sur la proposition de Notre Ministre de l'agriculture, de l'industrie et des travaux publics,

Nous avons arrêté et arrêtons:

Art. 1. — Tout Belge ou étranger, auteur soit d'une découverte ou invention susceptible d'être brevetée aux termes de la loi du 24 mai 1854, soit d'un dessin de fabrique qui doive être déposé conformément à la loi du 18 mars 1806, ou possesseur d'une marque de fabrique ou de commerce qui doive être déposée conformément à la loi du 1 avril 1879, ou ses ayants droit, peut, s'il est admis à l'exposition universelle qui s'ouvrira à Anvers au mois de mai 1894, se faire délivrer, par le gouverneur de la province d'Anvers, un certificat descriptif de l'objet déposé.

Art. 2. — Ce certificat assure à celui qui l'obtient les mêmes droits que lui conférerait un brevet d'invention ou un dépot légal de dessin de fabrique ou de marque de fabrique et de commerce, à dater du jour de l'admission jusqu'à la fin du troisième mois qui suivra la clôture de l'ex-

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*) V. **N. R. G.** 2e série X, 133.

position, sans préjudice du brevet que l'exposant peut prendre ou du dépôt qu'il peut opérer avant l'expiration de ce terme.

Art. 3. — La demande de ce certificat doit être faite dans le premier mois, au plus tard, de l'ouverture de l'exposition. Elle est adressée au gouverneur, accompagnée d'une description exacte de l'objet à garantir et, s'il y a lieu, d'un plan ou d'un dessin du dit objet.

Les demandes, ainsi que les décisions prises par le gouverneur, sont inscrites sur un registre spécial, qui est ultérieurement transmis au ministère de l'agriculture, de l'industrie et des travaux publics et communiqué sans frais à toute réquisition. La délivrance du certificat est gratuite.

Art. 4. — Notre Ministre de l'agriculture, de l'industrie et des travaux publics est chargé de l'exécution du présent arrêté.

Donné à Ostende, le 25 septembre 1893.

Léopold.

Par le Roi:
Le Ministre de l'agriculture,
de l'industrie et des travaux publics,
Léon de Bruyn.

81.

CHILI, GRANDE-BRETAGNE.

Convention destinée à arranger par voie d'arbitrage quelques différends survenus à l'occasion de la guerre civile de 1891; signée à Santiago le 26 septembre 1893.*)

Parliamentary Papers 1894. [C.-7391.]

Her Majesty the Queen of Great Britain and Ireland and his Excellency the President of the Republic of Chile, desiring to adjust amicably the claims presented by Her Majesty's Legation in Chile arising from the civil war which began on the 7th of January, 1891, have agreed to conclude a Convention for arbitration, and have for that purpose named as their respective Plenipotentiaries:

Her Britannic Majesty, John Gordon Kennedy, Esq., Her Majesty's Minister Resident in Chile; and

His Excellency the President of the Republic of Chile, Señor Don Ventura Blanco Viel, Minister for Foreign Affairs;

Who, after having communicated to each other their respective Full Powers, found in good and due form, have agreed upon the following Articles:—

Art. 1. — A Tribunal of Arbitration shall decide, in the manner and in accordance with the terms prescribed in Article 5 of the present Con-

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*) Les ratifications ont été échangées à Santiago le 24 avril 1894.

vention, all claims for which the Government of Chile may be held responsible in view of the acts and operations executed by the land and sea forces of the Republic during the civil war which began on the 7th of January, 1891, and ended on the 28th of August of the same year, and also those claims which were caused by subsequent events, for which the Government may be held responsible under the provisions of said Article 5.

The claims must be supported by Her Britannic Majesty's Legation, and must be presented within the term of six months from the date of the establishment of the Tribunal.

Art. 2. — The Tribunal shall consist of three members, that is to say: one appointed by his Excellency the President of the Republic of Chile, one by Her Majesty Queen Victoria, and a third by both High Contracting Parties. This third member shall be neither a Chilean citizen nor a subject of Her Britannic Majesty.

Art. 3. — The Tribunal shall admit such methods of proof and inquiry as may, in the judgment and opinion of its members, conduce most effectually to the elucidation of the matters in dispute, and, in particular, to the establishment of the status and neutral character of the several claimants.

The Tribunal shall also admit written and verbal statements made by either Government, or by the Agents or Counsel of either Government.

Art. 4. — Either Government may appoint an Agent with power to watch over the interests committed to his charge; to defend those interests, present petitions, documents, and interrogatories; to state and argue points at issue; to argue in favour of the interests committed to his charge and against the opponents of those interests; to tender evidence and lay before the Tribunal, personally or by Counsel, verbally or in writing (under such rules of procedure and office regulations as the Tribunal shall itself adopt at the commencement of its labours), all such legal doctrines, principles, and precedents as shall seem to him proper.

Art. 5. — The Tribunal shall decide the claims according to the evidence tendered, and in accordance with the principles of international law and the practice and jurisprudence established by such analogous modern Tribunals as enjoy the greatest authority and the best reputation, and shall give its decisions, whether provisional or final, by majority of votes.

The Tribunal shall express shortly, in every final judgment, the facts and origin of each claim, the arguments alleged for and against each, and the principles of international law on which the Tribunal's dicision is made to rest.

The decisions and judgments of the Tribunal shall be in writing and shall be signed by all the members and be attested by the Secretary; the originals shall, together with the documents belonging to each, be deposited in the Chilean Ministry for Foreign Affairs, and copies shall be given to the parties at their request.

The Tribunal shall keep a register, in which shall be noted its proceedings, the petitions of claimants, and the judgments and decisions of the Tribunal.

The Tribunal shall sit at Santiago.

Art. 6. — The Tribunal may appoint such secretaries, reporters, and other officials as it may deem necessary for the proper discharge of its duties.

The Tribunal shall nominate the persons who are to occupy the above- mentioned offices, and shall name the salary or remuneration to be assigned to each.

The said officials shall be appointed by his Excellency the President of the Republic of Chile.

Such judgments of the Tribunal as are to be executed in Chile shall have the support of the Executive in the same manner as the judgments of the ordinary legal Tribunals of that country. Such judgments as are to be executed abroad shall be executed in accordance with the rules and usages of private international law.

Art. 7. — The Tribunal shall, for the final discharge of its duties in regard to all claims submitted to its consideration and decision, be allowed a term of one year from the date on which it shall declare itself validly constituted. When this term shall have expired the Tribunal shall have power to prolong its existence for a further period, which may not exceed six months, in case the illness or temporary incapacity of any of its members, or any other event of acknowledged gravity, may have prevented it from fulfilling the duties intrusted to it within the term fixed under the first paragraph of this Article.

Art. 8. — Each of the Contracting Governments shall bear the expenses of its own proceedings and the remuneration of its own Agents and Counsel.

The payment of salaries to the members of the Tribunal shall commence only from the date of the commencement of their duties.

Expenses involved by the creation of the Tribunal, the remuneration of its members, the salaries of the secretaries, reporters, and other officials, and all other expenses and costs of the services rendered to both parties, shall be defrayed in moieties by the two Governments; but if any sums of money are awarded to the claimants there shall be deducted therefrom the abovementioned common expenses and costs, in so far as they shall not exceed 6 per cent. of the total amounts to be paid by the Chilean Treasury on account of such claims respectively as may be admitted.

Sums awarded by the Tribunal to claimants shall be paid by the Government of Chile to the Government of Her Britannic Majesty through Her Majesty's Legation at Santiago, or through any person designated for the purpose by Her Majesty, within the term of one year from the date on which judgment on any claim shall have been given, but no interest shall during such time accrue to the sucessfull claimant.

The Government of Chile will deduct from any sums paid by them in satisfaction of claims submitted to the Tribunal, whether paid by order of the Tribunal or by private arrangement, the amounts stipulated in the third paragraph of this Article, such amounts to be retained and applied towards payment of the common expenses of arbitration.

Art. 9. — The High Contracting Parties bind themselves to consider

the decisions of the Tribunal established by the present Convention as affording a satisfactory, complete, and irrevocable settlement of the difficulties which it is proposed to abrogate, and to agree that all claims of subjects of Her Britannic Majesty presented, or omitted to be presented, under the conditions laid down in the preceding Articles, shall equally be held to be finally decided, and to have been the subject of a judgment, in such a manner that for no cause or pretext can such claims ever again be examined or discussed.

Art. 10. — If the High Contracting Parties do not agree respecting the nomination of an Umpire, His Majesty the King of the Belgians shall be requested to name one, and in that case the period within which the Tribunal shall commence its labours shall be six months from the date of the exchange of the ratifications of this Convention.

Art. 11. — The present Convention shall be ratified by the High Contracting Parties, and the ratifications shall be exchanged at Santiago.

In testimony whereof the Plenipotentiaries of Chile and of Her Britannic Majesty have signed ad referendum the present Convention in duplicate in the Spanish and English languages, and have affixed thereto their seals.

Done in Santiago, the twenty-sixth day of September, the year of our Lord one thousand eight hundred and ninety-three.

(L. S.) *J. G. Kennedy.*
(L. S.) *V. Blanco.*

82.

ITALIE, GRANDE-BRETAGNE.

Convention conclue pour la reconnaissance mutuelle des lettres de jauge des navires de commerce; signée le 26 sept. et 16 octobre 1893.

Trattati e Convenzioni fra il Regno d'Italia e gli altri Stati, Vol. XIII, Rome 1895.

(Scambio di note).

Il regio ambasciatore d'Italia a Londra al Ministro degli affari esteri inglese.

Londra, 26 settembre 1893.

Signor Conte,

Facendo seguito alla mia nota degli 8 agosto ultimo scorso, ed in conformità alle istruzioni ricevute, ho l'onore d'informare l'Eccellenza Vostra che il Governo del Re concorda col Board of Trade circa i termini dell'ordine in Consiglio (oggetto di una comunicazione del Foreign Office in data degli 11 luglio scorso) destinato a regolare in questo paese il riconoscimento dei certificati di stazza eseguiti in Italia, secondo le regole inglesi in vigore.

Sarò quindi grato a Vostra Eccellenza, l'accordo essendosi stabilito su questo punto, di farmi conoscere, a norma del regio Governo, il giorno in cui il progetto proposto sarà approvato e pubblicato per la sua entrata in vigore.

Per quanto riguarda il trattamento delle navi inglesi in Italia, il Governo italiano ha già disposto che le Capitanerie e gli Uffici di porto facciano procedere, colla scorta del certificato di stazza ordinaria ed anche con quello per il Canale di Suez, all'accertamento del volume da aggiungersi alla stazza netta resultante dalle carte di bordo, e ciò allo scopo di determinare il tonnellaggio netto col sistema italiano.

Dove i dati ottenuti coi due certificati siano insufficienti, le Capitanerie faranno eseguire a bordo da un perito stazzatore le misurazioni strettamente necessarie.

La retribuzione dovuta in questi casi ai detti periti stazzatori sarà di centesimi 9 per tonnellata di stazza degli spazi nuovamente misurati, purchè tale onorario non sia in alcun caso minore di lire 5 italiane.

Acciocchè, però, esista una perfetta reciprocità di trattamento fra le navi italiane nei porti inglesi e le navi inglesi nei porti italiani, rimane a provvedere per i bastimenti italiani non muniti di speciale certificato di stazza fatto secondo le norme in vigore in Inghilterra.

Per i bastimenti italiani che si troveranno in quest'ultima condizione e che verranno nei porti inglesi, il mio Governo m'incarica di chiedere che, invece di essere sottoposti all'obbligo di pagare le tasse marittime in base al tonnellaggio netto indicato nei certificati italiani di stazza, possano, ove lo domandino, ottenere una parziale misurazione per determinare il tonnellaggio netto imponibile secondo il sistema inglese.

Spero che il Governo di Sua Maestà Britannica, non meno desideroso di quello del Re di stabilire il trattamento delle navi dei due paesi sulla base della più perfetta reciprocità, consentirà ad introdurre quest'ultima disposizione nel regime da applicarsi ai bastimenti italiani nei porti britannici, e gradirò di averne da Vostra Eccellenza l'assicurazione.

Gradisca, ecc.

Tornielli.

Il ministro degli affari esteri inglese al regio ambasciatore d'Italia a Londra,

(Traduzione).

Foreign Office, 16 ottobre 1893.

Signor Ambasciatore,

Riferendomi alla nota di Vostra Eccellenza del 26 p. p. relativa alla stazzatura delle navi italiane ed inglesi, ho l'onore d'informarla avermi il Board of Trade fatto sapere che saranno prese subito le misure necessarie perchè il Consiglio adottí l'ordine proposto concernente tale materia, ordine che andrà in vigore immediatamente dopo la sua adozione.

La proposta fatta dal Governo italiano che le navi italiane, che visitano i porti inglesí e siano tuttora sprovviste dei certificati di stazza calcolati

secondo le regole britanniche, siano rimisurate in parte per constatare il loro tonnellaggio netto, è accettata dal Board, che impartirà nel caso le istruzioni necessarie ai propri Ispettori.

Sono stati presi pure gli opportuni concerti per informare gli armatori ed i capitani della misura presa dalle Autorità italiane per ció che concerne il tonnellaggio delle navi britanniche che visitano porti italiani, e per raccomandare che tali navi siano provviste di certificati di stazza in accordo colle disposizioni italiane, certificati che gli Ispettori del Board avranno l'istruzione di fornire.

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Gradisca, ecc.

Rosebery.

83.

ITALIE, AUTRICHE-HONGRIE.

Arrangement concernant la reconnaissance réciproque des certificats de jauge; du 2 novembre 1893.

Trattati e Convenzioni fra il Regno d'Italia e gli altri Stati, Vol. XIII, Rome 1895.

(Scambio di note).

Il regio Incaricato d'affari d'Italia in Vienna al Ministro austro-ungarico degli affari esteri.

Vienne, ce 2 novembre 1893.

Le soussigné, Chargé d'affaires d'Italie, a l'honneur de constater, par la présente, l'accord établi entre le Gouvernement d'Italie d'une part et les Gouvernements de l'Autriche et de la Hongrie de l'autre, sur l'arrangement ci-joint, qui a pour objet la reconnaissance réciproque des certificats de jauge.

Cet arrangement entrera en vigueur le 15 novembre 1893, conformément à l'entente établie à cet égard.

Le soussigné, Chargé d'affaires d'Italie, prie Son Excellence le Ministre impérial et royal des affaires étrangères de vouloir bien constater, de son côté, l'accord qui fait l'objet de cette communication, dont il Le prie de lui donner acte, et saisit cette occasion, etc.

Avarna.

Il Ministro austro-ungarico degli affari esteri al regio Incaricato d'affari d'Italia in Vienna.

Vienne, ce 2 novembre 1893.

Le soussigné, Ministre de la Maison impériale et des affaires étrangères, a l'honneur de constater, par la présente, l'accord établi entre les Gouvernements de l'Autriche et de la Hongrie d'une part et le Gouvernement italien

de l'autre, sur l'arrangement ci-joint, qui a pour objet la reconnaissance réciproque des certificats de jauge.

Cet arrangement entrera en vigueur le 15 novembre 1893, conformément à l'entente établie à cet égard.

En prenant acte de la communication qui lui a été adressée par M. le Chargé d'affaires d'Italie, duc d'Avarna, pour constater, au nom du Gouvernement royal, l'accord dont il s'agit, le soussigné saisit cette occasion, etc.

Kálnoky.

84.

ITALIE, AUTRICHE-HONGRIE.

Déclaration faite pour faciliter dans les districts-frontière le trafic des végétaux; signée à Vienne le 10 novembre 1893.

Trattati e Convenzioni fra il Regno d'Italia e gli altri Stati, Vol. XIII, Rome 1895.

Afin de faciliter entre les districts-frontière italiens et autrichiens le trafic des végétaux, du fumier d'étable pourri, des raisins de vendange et des marcs de raisins, les soussignés, dûment autorisés à cet effet, sont convenus des dispositions suivantes:

Les plantes herbacées, enracinées ou non, les plantes ligneuses et toute sorte de végétaux, à l'exception de la vigne, pourront être introduites de l'Autriche-Hongrie en Italie et de l'Italie en Autriche-Hongrie sans être accompagnées des documents prescrits par l'article 3 de la convention phylloxérique internationale*) de Berne, à la condition que l'envoi provienne d'une localité qui ne soit éloignée de la frontière plus de 10 kilomètres et qu'il soit destiné à une localité placée à une distance non supérieure à 10 kilomètres de la même frontière.

Les raisins de vendange et les marcs de raisin, provenant d'une localité autrichienne ou italienne qui ne soit éloignée de la frontière plus de 10 kilomètres et étant respectivement destinés à une localité italienne ou autrichienne placée à une distance non supérieure à 10 kilomètres de la même frontière, ne sont pas soumis à leur entrée en Italie ou en Autriche-Hongrie aux dispositions de l'article 2, alinéas 3 et 4, de la dite convention philloxérique internationale.

Le fumier d'étable pourri est admis à la libre circulation dans les zones-frontière, sauf le cas où par suite de l'apparition des épizooties l'introduction de ce produit pourra être interdite, conformément aux dispositions des lois et des règlements en vigueur sur la police sanitaire des animaux.

En cas de doute sur la provenance des plantes et des matières susindiquées, les autorités de douane pourront exiger qu'elle soit constatée par déclaration de l'autorité compétente du pays d'origine.

Il est entendu que tous les objets ci-dessus mentionnés, admis à tran-

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*) V. N. R. G. 2e s. VIII, 435 et XV, 570.

siter d'une zone de frontière à l'autre, doivent provenir d'une région exempte du philloxéra, en sorte que non seulement les vignobles ou champs d'où les produits proviennent doivent être indemnes, mais aussi toute la commune où ces terrains se trouvent.

Lorsque sur le territoire d'une commune située au-delà de la zone-frontière la présence du philloxéra est constatée dans les vignes confinant à des vignes situées sur le territoire d'une commune de la zone-frontière, les plantes et matières susindiquées, provenant de cette dernière commune, ne seront pas admises à bénéficier des dispositions du présent arrangement.

Est réciproquement prohibée l'introduction dans les zones-frontière des échalas et tuteurs déjà employés, ainsi que des composts et terreaux.

Les deux Parties contractantes s'engagent réciproquement à se communiquer sans aucun retard toute découverte d'une attaque phylloxérique dans la zone-frontière.

En foi de quoi, les soussignés ont signé la présente déclaration et y ont apposé le sceau de leurs armes.

Fait à Vienne, en double expédition, le 10 novembre 1893.

Le Chargé d'affaires d'Italie:
(L. S.) *Avarna.*

Pour le Ministre des affaires étrangères d'Autriche-Hongrie, absent:
(L. S.) *M. Pasetti.*

85.

BELGIQUE, LIBÉRIA.

Convention d'extradition, signée à Bruxelles le 23 novembre 1893.*)

Moniteur belge, 11 mai 1895, No. 131.

Sa Majesté le Roi des Belges et Son Excellence le Président de la République de Liberia ayant jugé oportun, afin de mieux assurer l'administration de la justice et la répression des crimes dans leurs territoires respectifs, de se livrer réciproquement, sous certaines conditions, les personnes accusées ou condamnés du chef des crimes ci-après énumérés et qui auraent fui la justice de leur pays, ont nommé pour leurs Plénipotentiaires, à l'effet de conclure un traité dans ce but, savoir:

His Majesty the King of the Belgians and His Excellency the President of the Republic of Liberia, having judged it expedient with a view to the better administration of Justice and to the prevention of crime within their respective territories, that persons charged with or convicted of the crimes hereinafter mentioned and being fugitive from Justice should under certain circumstances, be reciprocally delivered up; the said high contractury parties having named as their Plenipotentiaries to conclude a treaty for this purpose, that is to say:

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*) Les ratifications ont été échangées à Bruxelles le 1 avril 1895.

Sa Majesté le Roi des Belges, le Comte de Merode Westerloo, chevalier de Son Ordre de Léopold, grand-cordon de l'Ordre du Sauveur de Grèce, etc., son Ministre des affaires étrangères;

Son Excellence le Président de la République de Libéria, le Baron de Stein, Grand-Cordon de l'ordre de la Rédemption africaine, officier de l'ordre de Léopold, Grand-officier de l'ordre Royal duLion, etc., Commissaire et Plénipotentiaire spécial de son gouvernement,

Lesquels, après s'être communiqué réciproquement leurs pleins pouvoirs, reconnus en bonne et due forme, sont convenus des articles suivants:

His Majesty the King of the Belgians, the count de Merode Westerloo, Knight of his Order of Leopold, grand-cross of the Order of the Saviour of Greece, etc., etc., his Minister of Foreign affairs;

His Excellency the President of the Republic of Liberia, the Baron de Stein, Grand Cross of the order of the Redemption of Africa, officer of the order of Léopold, Great officer of the royal order of the Lion, etc. Commissioner and special Plenipotentiary of his Government.

Who, having communicated to each other their full powers, found in good and due form, have agreed upon the following articles:

Article 1.

Les Hautes Parties contractantes s'engagent à se livrer réciproquement dans les circonstances et les conditions établies par le présent traité, les individus qui, étant poursuivis ou condamnés pour un crime ou un délit commis sur le territoire de la partie requérante, seront trouvées sur le territoire de l'autre partie.

Néanmoins, lorsque le crime ou le délit donnant lieu à la demande d'extradition aura été commis hors du territoire des deux Parties contractantes, il ne pourra être donné suite à cette demande que si la législation du Pays requis autorise la poursuite des mêmes infractions commises hors de son territoire.

Article 1.

The high contracting Parties engage to deliver up to each other those persons who being accused or convicted of a crime or offence committed in the territory of the one party, shall be found within the territory of the other, under the circumstances and conditions stated in the present Treaty.

Nevertheless when the crime or offence causing the demand of extradition has been committed out of the territory of the two contracting Parties, the demand will only be receivable if the legislation of the country put in requisition authorises the prosecution of such infractions committed out of its territories.

Article 2.

Les crimes et délits donnant lieu à extradition sont les suivants:

1° Meurtre (y compris l'assassinat, le parricide, l'infanticide et l'empoisonnement); tentative de meurtre; complot en vue de meurtre dans les

Article 2.

The crimes or offences for which the extradition is to be granted are the following:

1. Murder (including assassination, parricide, infanticide and poisoning); attempt to murder or conspiracy with a view to murder in cases simultane-

cas prévus simultanément par la législation des deux pays;

2⁰ Homicide commis sans préméditation ou guet-apens;

3⁰ Coups portés et blessures faites volontairement avec préméditation ou ayant causé une maladie paraissant incurable, une incapacité permanente de travail personnel, la perte de l'usage absolu d'un organe, une mutilation grave ou la mort sans l'intention de la donner;

4⁰ Contrefaçon ou altération de monnaie ainsi que mise en circulation de la monnaie contrefaite ou altérée;

5⁰ Contrefaçon ou falsification des poinçons, coins ou carrés destinés à la fabrication des monnaies;

6⁰ Faux, contrefaçon ou altération, ou mise en circulation de ce qui est falsifié, contrefait ou altéré;

7⁰ Soustraction frauduleuse ou vol;

8⁰ Destruction ou dégradation de constructions, machines, plantations, récoltes, instruments d'agriculture, appareils télégraphiques, ouvrages d'art, navires, tombeaux, dommages causés volontairement au bétail et à la propriété mobilière, délits qui sont réprimés dans la République de Liberia sous le nom de „Malicious injuries to property";

9⁰ Escroquerie d'argent, marchandises ou valeurs sous de faux prétextes;

10⁰ Recèlement frauduleux d'argent, valeurs ou objets mobiliers provenant d'escroquerie, de vol ou de détournement;

11⁰ Crimes de banqueroutiers frauduleux prévus par la loi des deux pays;

12⁰ Détournement ou dissipation frauduleux au préjudice d'autrui, d'effets, deniers, marchandises, quittances, écrits de toute nature contenant ou opérant obligation ou décharge et qui avaient été remis à condition de

ously forseen by the legislation of both countries;

2. Manslaughter;

3. Blows given and wounds inflicted wilfully with premeditation or having caused an illness appearing incurable, a permanent incapacity of personal work, the absolute loss of the use of an organ, a serious mutilation or death without the intention of giving it;

4. Counterfeiting or altering money or uttering counterfeit or altered money;

5. Counterfeiting or falsification of stamps, squares or cornes destined for the manufacturing of money;

6. Forgery, counterfeiting or altering or uttering what is forged or counterfeited or altered;

7. Embezzlement or larceny;

8. Malicious injury to property if the offence be indictable;

9. Obtaining money, goods or valuable securities by false pretences;

10. Receiving money, valuable security or other property, knowing the same to have been stolen, embezzled or unlawfully obtained;

11. Crimes against bankruptcy forseen by the laws of both countries;

12. Fraud by a bailee, banker, agent, factor, trustees, or director, or member, or public officer of any company made criminal by any law for the time being in force;

les rendre ou d'en faire un usage déterminé;

13° Faux serment, faux témoignage et subornation de témoins;

14° Bigamie;

15° Viol;

16° Attentat à la pudeur, sans violence ni menaces, sur des enfants de l'un ou de l'autre sexe âgés de moins de 14 ans;

17° Attentat à la pudeur avec violences ou menaces, sur des personnes de l'un ou de l'autre sexe;

18° Administration de drogues ou usage d'instruments en vue de provoquer l'avortement;

19° Enlèvement de mineurs;

20° Enlèvement d'enfants;

21° Délaissement, exposition ou recel d'enfant;

22° Attentat à la liberté individuelle commis par des particuliers;

23° Vol avec effraction ou escalade;

24° Incendie;

25° Vol avec violence (comprenant l'intimidation);

26° Tout acte punissable commis avec l'intention méchante de mettre en danger des personnes se trouvant dans un train de chemin de fer;

27° Menaces d'attentat punissable d'une peine criminelle;

28° Prise d'un navire par les marins ou passagers par fraude ou violence envers le capitaine;

29° Échouement, perte, destruction ou tentative d'échouement, de perte ou de destruction d'un navire à la mer par le capitaine ou les officiers et gens de l'équipage;

30° Attaque ou résistance à bord d'un navire en haute mer et voie de fait envers le capitaine par plus d'un tiers de l'équipage;

31° Révolte ou complot de révolte par deux ou plusieurs personnes à bord d'un navire en haute mer contre l'autorité du capitaine;

13. Perjury or subornation to perjury;

14. Bigamy;

15. Rape;

16. Indecent assault without violence or menaces on children of one or the other sex aged less than 14 years;

17. Indecent assault with violence or menaces on persons of one or the other sex;

18. Administering drugs or using instruments with intent to procure the miscarriage of a woman;

19. Abduction;

20. Child stealing;

21. Abandoning children, exposing or unlawfully detaining them;

22. Kidnapping and false imprisonment;

23. Burglary or housebreaking;

24. Arson;

25. Robbery with violence (including intimidation);

26. Any malicious act done with intent to endanger the safety of any person in a railway train;

27. Threats by letter or otherwise, with intent to extort;

28. Piracy by law of nations;

29. Sinking or destroying a vessel at sea or attempting or conspiring to do so;

30. Assault on board a ship on the high seas with intent to destroy life or do grevious bodily harm;

31. Revolt or conspiracy to revolt by two or more persons on board a ship on the high seas against the authority of the master;

32⁰ Traite des esclaves dans les cas prévus par la législation des deux pays;

33⁰ Résistance de la part des capitaine et gens de l'équipage aux ordres des officiers des navires de guerre agissant en vertu des articles 42 et suivants de l'Acte général de la Conférence de Bruxelles du 2 juillet 1890;

34⁰ Infraction aux dépenses concernant les armes à feu et les munitions prévues par les articles 8 et 9 du dit Acte général.

Sont comprises dans les qualifications qui précèdent la complicité et la tentative, lorsqu'elles sont punissables d'après les lois des deux Etats.

Article 3.

Chaque gouvernement est libre de refuser de livrer ses propres sujets à l'autre gouvernement.

Article 4.

L'extradition n'aura pas lieu si la personne réclamée par le gouvernement belge a été poursuivie et mise hors de cause, ou est encore poursuivie ou a déjà été punie dans la République de Liberia ou si la personne réclamée par le gouvernement de la République de Liberia a été poursuivie et mise hors de cause, ou est encore poursuivie ou a déjà été punie en Belgique pour le même acte punissable qui est cause de la demande d'extradition.

Si la personne réclamée est poursuivie ou subit une peine pour une autre infraction que celle qui a donné lieu à la demande d'extradition, son extradition sera différée jusqu'après la fin de la poursuite dans le pays auquel l'extradition est demandée et en cas de condamnation jusqu'après qu'elle

32. Slave trade in the cases forseen by the legislation of both countries;

33. Resistence on the part of captains or of the crew to the orders of the officers of men of war acting in virtue of article 42 and following ones of the General Act of the Conference of Brussels of the 2 July 1890;

34. Infractions to prohibitions concerning fire arms and munitions forseen by articles 8 and 9 of the same general act.

Extradition is also to be granted for participation in or attempt to any of the aforesaid crimes provided such participation or attempt be punishable by the laws of both the contracting parties.

Article 3.

Either Government may in its absolute discretion refuse to deliver up its own subjects to the other government.

Article 4.

The extradition shall not take place if the person claimed on the part of the Belgian Government or the person claimed on the part of the Liberian Government has already been tried and discharged or punished, or is still under trial, when in the territories of the two High contracting parties respectively for the crime for which his extradition is demanded.

If the person claimed on the part of the Belgian Government or if the person claimed on the part of the Liberian government should be under examination or is undergoing sentence under a conviction, for any other crime, within the territories of the two high contracting parties respecti-

aura subi sa peine ou qu'elle aura été libérée.

Article 5.

L'extradition n'aura pas lieu si, depuis les faits imputés, le dernier acte des poursuites ou la condamnation, la prescription de l'action ou de la peine est acquise, d'après les lois du pays où le prévenu s'est réfugié, au moment où la remise pourrait avoir lieu.

Article 6.

Aucune personne accusée ou condamnée ne sera extradée si le délit pour lequel l'extradition est demandée est considéré par la partie requise comme un délit politique ou un fait connexe à un pareil délit ou si la personne prouve que la demande d'extradition a été faite, en réalité, dans le but de la poursuivre ou de la punir pour un délit d'un caractère politique.

Ne sera pas réputé délit politique ni fait connexe à un semblable délit l'attentat contre la personne du chef d'un gouvernement étranger ou contre celle des membres de sa famille lorsque cet attentat constitue le fait, soit de meurtre, soit d'assassinat, soit d'empoisonnement.

Article 7.

La personne extradée pourra toutefois être poursuivie ou punie contradictoirement dans les cas suivants pour une infraction autre que celle qui a motivé l'extradition;

1° Si elle a demandé à être jugée ou à subir sa peine auquel cas sa demande sera communiquée au gouvernement qui l'a livrée;

vely, his extradition shall be differed until after he has been dis charged whether by acquittal or on expiration of his sentence, or otherwise.

Article 5.

The extradition shall not take place if subsequently to the commission of the crime, the last act of the prosecution or the conviction thereon, exemption from prosecution or punishment has been acquired by lapse of time according to the laws of the state applied to at the moment when the delivery could take place.

Article 6.

A fugitive criminal shall not be surrendered if the offence in respect of which the surrender is demanded is one of a political character or a fact in connection of such an offence or if he proves that the requisition for his surrender has in fact been made with a view to try to punish him for an offence of a political character.

Will not be considered a political offence or fact in connection of such an offence the outrage against the person of the head of a foreign government or against those of the members of his family when this outrage constitutes the fact either of murder, assassination or poisoning.

Article 7.

The person given up may however be sued or punished contradictorily in the following cases for infractions other than the one that engendered the extradition:

1. If she has asked to be tried or to undergo her sentence in which case her demand will be communicated to the government which has delivered her up;

2° Si elle n'a pas quitté, pendant le mois qui suit son élargissement définitif, le pays auquel elle a été livrée;

3° Si l'infraction est comprise dans la Convention et si le gouvernement auquel elle a été livrée à obtenu préalablement l'adhésion du gouvernement qui a accordé l'extradition, ce dernier pourra, s'il le juge convenable, exiger la production de l'un des documents mentionnés dans l'article 9 de la présente Convention.

Article 8.

La demande d'extradition devra toujours être faite par la voie diplomatique ou consulaire.

Article 9.

Lorsque la personne dont l'extradition est réclamée aura été condamnée à raison du crime ou du délit qu'elle a commis, la demande d'extradition sera accompagnée d'une expédition authentique de l'arrêt de la cour ou du jugement du tribunal qui a prononcé la sentence munie du sceau de cette juridiction. La signature devra être légalisée par l'agent compétent du pouvoir exécutif, dont la signature sera, à son tour, attestée respectivement par le consul de Belgique ou de Liberia. Quand le fugitif sera simplement prévenu d'un crime ou d'un délit, la réquisition devra être accompagnée d'une copie authentique du mandat d'arrêt rendu à sa charge dans le pays où le crime a été commis et des dépositions sur lesquelles ce mandat a été décerné. L'agent compétent du pouvoir exécutif en Belgique ou le Président de Liberia peut alors requérir l'arrestation du fugitif à fin d'examen devant l'autorité judiciaire compétente. S'il est décidé qu'il y a lieu à extradition, en présence du texte de la loi es des

2. If she has not left during the month following her definitive release the country to which he has been given up;

3. If the infraction is included in the convention and if the government to which she has been given up has previously obtained the adhesion of the government wich has agreed to the extradition, he may if he thinks fit exact the production of one of the documents mentioned in article 9 of the present convention.

Article 8.

The demand of extradition must always be made through diplomatic or consular intervention.

Article 9.

If the person whose extradition may be asked for shall have been convicted of a crime or offence a copy of the sentence of the court in which he may have been convicted, authenticated under its seal and attestation of the official character of the judge by the proper executive authority and of the latter by the consul of Belgium or Liberia respectively shall accompany the requisition. When, however, the fugitive shall have been merely charged with crime, a duly authenticated copy of the warrant for his arrest in the country where the crime may have been committed, and of the depositions upon which such warrant may have been issued, must accompany the requisition as aforesaid. The proper executive authority in Belgium or the President of Liberia, may then issue a warrant for the apprehension of the fugitive in order that he may be brought before the proper judicial authority for examination. If it should then be decided that, according to the law and the evidence,

pièces produites, le fugitif peut être livré suivant les formes légales usitées en pareil cas.

Article 10.

En cas d'urgence, l'arrestation provisoire sera effectuée sur avis, transmis par la poste ou le télégraphe, de l'existence d'un mandat d'arrêt, à la condition toutefois que cet avís sera régulièrement donné par la voie diplomatique ou consulaire au ministre des affaires étrangères du pays requis. L'arrestation provisoire aura lieu dans les formes et suivant les règles établies par la législation du gouvernement requis; elle cessera d'être maintenue si, dans le délai de trois mois à partir du moment où elle aura été effectuée, l'inculpé n'a pas reçu communication de l'un des documents mentionnés dans l'article 9 de la présente Convention.

Article 11.

Tout objet trouvé en la possession de l'individu réclamé, au moment de son arrestation, sera, si l'autorité compétente en a ainsi ordonné, saisi pour être livré avec sa personne lorsque l'extradition aura lieu, cette remise ne sera pas limitée aux objets acquis par vol ou banqueroute frauduleuse, mais elle s'étendra à toute chose qui pourra servir de pièces à conviction. Elle se fera même si l'extradition, après avoir été accordée, ne peut s'accomplir par suite de l'évasion ou de la mort de l'individu réclamé.

Sont cependant réservés les droits des tiers sur les objets susmentionnés.

the extradition is due pursuant to the treaty, the fugitive may be given up according to the forms prescribed in such cases.

Article 10.

In case of urgency, the provisional arrest will be effectuated on information transmitted by the post or by telegraph, of the existence of a warrant of arrest under the condition however that this information will be regularly given through diplomatic or consular means to the minister of foreign affairs of the country in requisition. The provisional arrest will take place in the forms and established rules of the legislature of the requisitioned government. It will not be maintained if in the delay of three months from the moment the arrest has been effectuated the inculpated has not received communication of one of the documents mentioned in article 9 of the present convention.

Article 11.

All articles seized which were in the possession of the person to be surrendered at the time of his apprehension shall, if the competent authority of the state applied to for the extradition has ordered the delivery thereof be given up when the extradition takes place and the said delivery shall extend, not merely to the article stolen or obtained by fraudulent bankruptcy but to every thing that may serve as a proof of the crime. It will take place even if the extradition after having been consented to cannot be accomplished on account of evasion or the death of the claimed individual.

Are however reserved the rights of third persons on the above mentioned objects.

Article 12.

Toutes les dépenses relatives à l'extradition seront supportées par l'Etat requérant.

Article 13.

Le présent traité entrera en vigueur dix jours après sa publication dans les formes prescrites par la législation des pays respectifs. Chaque partie peut en tout temps mettre fin au traité en donnant à l'autre, six mois à l'avance, avis de son intention.

Le présent traité sera ratifié et les ratifications en seront échangées, à Bruxelles, le plus tôt possible.

En foi de quoi, les Plénipotentiaires respectifs ont signé ce même traité et y ont apposé le sceau de leurs armes.

Fait à Bruxelles, le 23e jour de novembre 1893.

Cte de Merode Westerloo.

Article 12.

All expenses connected with extradition shall be borne by the demanding state.

Article 13.

The present Treaty shall come into force ten days after its publication, in conformity with the forms prescribed by the laws of the High contracting Parties. It may be terminated by either of the High contracting Parties at any time on giving to the other six months notice of its intention to do so.

The Treaty shall be ratified and the ratifications shall be exchanged at Brussels as soon as possible.

In witness whereof the respective Plenipotentiaries have signed the same and have affixed thereto the seal of their arms.

Done at Brussels, the 23th day of November 1893.

Bon de Stein.

86.

ITALIE, NORVÈGE.

Notes diplomatiques échangées en matière du jaugeage des navires de commerce; signées à Stockholm le 29 nov./4 déc. 1893.

Raccolta ufficiale delle leggi e dei decreti, 1894.

Denuncia, da parte dell'Italia, dell'accordo colla Norvegia del 28 marzo 1883*) sulla stazzatura delle navi.

(Scambio di note).

Il regio Ministro d'Italia a Stoccolma
al Ministro degli affari esteri di Svezia e Norvegia.

Stockholm, le 29 novembre 1893.

Monsieur le Ministre,

Il est parvenu à la connaissance du Ministre royal italien de la marine que le Gouvernement norvégien a adopté dernièrement les dispositions du

*) V. N. R. G. 2e série XIII, 600.

“ Merchant Shipping (Tonnage) Act 1889 „ anglais pour le jaugeage des navires. Le mesurage d'après ce système ne comprenant pas certaines parties du navire dont on tient compte dans le système en vigueur en Italie, il en résulterait que les navires italiens seraient assujettis, quant aux taxes maritimes qui sont fixées d'après les certificats de jaugeage, non seulement dans les ports norvégiens, mais même dans les ports italiens, à un traitement moins favorable que les navires norvégiens. L'accord, par conséquent, établi par la déclaration du 28 mars 1883 entre l'Italie et la Norvége, et qui se basait précisément sur l'analogie des systèmes de mesurage alors en vigueur dans les deux pays, ne pouvant être maintenu, je viens d'être chargé de le dénoncer formellement auprès de Votre Excellence, au nom du Gouvernement du Roi. Je suis en même temps chargé, dans un commun intérêt et afin aussi d'éviter aux bâtiments norvégiens la perte de temps et les frais occasionnés par un nouveau mesurage dans les ports italiens, de Vous proposer, M. le Comte, de substituer à l'ancien un nouvel accord, par lequel les Gouvernements d'Italie et de Norvége s'engagent à munir les bâtiments nationaux se rendant dans les ports norvégiens ou d'Italie, et qui en font demande, d'un certificat de jauge spécial conforme au système respectivement en vigueur en Norvége ou en Italie, et d'après lequel les taxes maritimes seraient par conséquent appliquées.

Cet accord compendrait les trois points suivants:

. . . . . .

Veuillez agréer, etc.

Zannini.

Il Ministro degli affari esteri di Svezia e Norvegia al regio Ministro d'Italia a Stoccolma.

Stockholm, le 4 décembre 1893.

Monsieur le Comte,

Par la lettre que Vous m'avez fait l'honneur de m'adresser en date du 29 novembre dernier, Vous avez, au nom de votre Gouvernement, dénoncé l'accord établi par la déclaration du 28 mars 1883, en ce qui concerne la reconnaissance mutuelle des lettres de jauge des navires norvégiens et italiens.

J'ai pris acte de cette dénonciation et je me suis empressé d'en faire part à qui de droit en Norvége.

En même temps, Vous m'avez informé que Vous étiez chargé par votre Gouvernement de proposer la conclusion d'un nouvel arrangement qui servirait à remplacer l'ancien, et Vous avez bien voulu me faire parvenir le texte d'un projet à cet effet.

Je n'ai pas manqué de soumettre ce projet à l'étude des autorités intéressées en Norvége, et en me réservant de Vous faire tenir en son temps une réponse à ce sujet, je Vous prie, M. le Comte, d'agréer, etc.

Lewenhaupt.

87.

ITALIE, AUTRICHE-HONGRIE.

Notes diplomatiques échangées en matière du jaugeage des navires de commerce; signé à Vienne le 4/15 décembre 1893.

Raccolta ufficiale delle leggi e dei decreti, 1894.

Denuncia, da parte dell'Italia, della dichiarazione coll'Austria-Ungheria del 5 dicembre 1873*) sulla stazzatura delle navi.

(Scambio di note)

Il regio ambasciatore d'Italia in Vienna al ministro Austro-Ungarico degli affari esteri.

Vienne, ce 4 décembre 1893.

Par suite de la mise en vigueur du nouvel arrangement stipulé par les notes échangées le 2 novembre 1893 entre l'Italie et l'Autriche-Hongrie sur la reconnaissance réciproque des certificats de jauge, l'accord qui avait été précédemment stipulé sur la même matière entre les deux Etats par la déclaration du 5 décembre 1873 a cessé d'être en vigueur.

En conséquence, le soussigné Ambassadeur de Sa Majesté le Roi d'Italie vient d'être chargé, au nom du Gouvernement italien, de dénoncer formellement la déclaration susdite, ce qu'il s'empresse de faire par la présente note.

Le soussigné prie Son Excellence le Ministre I. et R. des affaires étrangères d'Autriche-Hongrie de vouloir bien lui donner acte de cette dénonciation et saisit cette occasion, etc.

Nigra.

Il ministro austro-ungarico degli affari esteri al regio ambasciatore d'Italia in Vienna.

Vienne, ce 15 décembre 1893.

Par la note du 4 décembre n. 603/3002 Son Excellence monsieur l'Ambassadeur d'Italie, comte de Nigra, a bien voulu, d'ordre de son Gouvernement, dénoncer formellement la déclaration échangée à Vienne, le 5 décembre 1873, entre l'Autriche-Hongrie et l'Italie relativement à la reconnaissance réciproque des certificats de jaugeage.

En accusant réception de cette communication, le soussigné a l'honneur d'informer Son Excellence, monsieur le comte de Nigra, que la susdite déclaration du 5 décembre 1873 est considérée également de notre côté

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*) V. N. R. G. 2e s. I, 351, IV, 282.

comme ayant cessé d'avoir ses effets par suite de la conclusion du nouvel arrangement sur cette matière approuvé par l'échange des notes en date du 2 novembre 1893.

Le soussigné saisit cette occasion, etc.

Pour le Ministre des affaires étrangères
Glanz.

88.

PAYS-BAS, DANEMARK.

Convention concernant l'extradition des malfaiteurs; signée à Copenhague le 18 janvier 1894.*)

Staatsblad van het Koningrijk der Nederlanden. 1894, No. 41.

Sa Majesté la Reine des Pays-Bas et en Son nom Sa Majesté la Reine Régente du Royaume des Pays-Bas, et Sa Majesté le Roi de Danemark, ayant résolu d'un commun accord de conclure une nouvelle convention pour l'extradition des malfaiteurs; ont nommé à cet effet pour leurs plénipotentiaires, savoir:

Sa Majesté la Reine Régente du Royaume des Pays Bas, Monsieur Rudolphe Auguste Alexandre Edouard de Pestel, Son Envoyé Extraordinaire et Ministre Plénipotentiaire, Chevalier de l'ordre du Lion Néerlandais, etc., etc., etc., et sa Majesté le Roi de Danemark, Monsieur le baron Kjeld Thor Tage Otto de Reedtz Thott, Son Ministre des Affaires Etrangères, commandeur de l'ordre de Danebrog et décoré de la croix d'honneur du même ordre,

lesquels, après s'être communiqué leurs pleins pouvoirs, trouvés en bonne et due forme, sont convenus des articles suivants:

Art. 1. — Le Gouvernement des Pays-Bas et le Gouvernement de Danemark s'engagent à se livrer réciproquement, suivant les règles déterminées par les articles suivants, les individus condamnés ou prévenus à raison d'un des faits ci-après énumérés, commis hors du territoire de l'Etat auquel l'extradition est demandée:

1° *a.* attentat contre la vie ou la liberté du Roi, de la Reine régnante, du Régent ou d'un autre Chef d'un Etat ami, ou entrepris dans le dessein de les rendre incapables de régner;

b. attentat contre la vie ou la liberté de la Reine non régnante, de l'héritier présomptif du Trône ou d'un membre de la Famille Souveraine;

2° meurtre ou assassinat, meurtre ou assassinat commis sur un enfant;

3° menaces d'attentat à la vie, de viol, d'acte d'immoralité avec violence, ou d'incendie, faites par écrit et sous une condition déterminée, et dans le dessein de se procurer un avantage à soi ou à autrui;

4° avortement, procuré par la femme enceinte ou par d'autres;

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*) Ratifications échangées à Copenhague le 15 février 1894.

5° sévices, ayant occasionné la mort ou une maladie ne laissant pas de chance de guérison complète ou une incapacité permanente d'exercer ses fonctions ou son emploi, ou l'avortement d'une femme, ou la mort de son fruit, et sévices commis avec préméditation;

6° viol; actes d'immoralité commis avec violence ou avec menaces de violence; le fait d'avoir, en dehors du mariage, un commerce charnel avec une femme au dessous de l'âge de seize ans, ou avec une femme au dessus de cet âge, lorsque le coupable sait qu'elle est évanouie ou sans connaissance; actes d'immoralité, lorsque le coupable sait que la personne avec laquelle il les commet, est évanouie ou sans connaissance, ou lorsque cette personne n'a pas atteint l'âge de seize ans; excitation d'une personne au dessous de cet âge à commettre ou à subir des actes d'immoralité ou à avoir, en dehors du mariage, un commerce charnel avec un tiers;

7° excitation à la débauche de personnes non mariées au dessous de l'âge de vingt-trois ans et tout acte ayant pour objet de favoriser à dessein la débauche de telles personnes avec un tiers en vue d'un lucre ou par métier, ou même sans ces deux dernières circonstances, lorsqu'il s'agit du père, de la mère, du tuteur ou du subrogé tuteur;

8° bigamie;

9° enlèvement, recel, suppression, substitution on supposition d'un enfant;

10° enlèvement de personnes non mariées au dessous de l'âge de vingt-trois ans;

11° contrefaçon ou altération de monnaies ou de papier-monnaie, entreprise dans le dessein d'émettre ou de faire émettre ces monnaies ou ce papier-monnaie comme non-contrefaits et non-altérés, ou mise en circulation de monnaies ou de papier-monnaie contrefaits ou altérés, lorsqu'elle a lieu à dessein;

12° contrefaçon ou falsification de timbres émis par l'Etat, apposition de fausses marques de l'Etat ou de fausses marques d'ouvrier, exigées par la loi sur des ouvrages d'or ou d'argent, falsification et apposition frauduleuse de ces marques;

13° faux en écriture et usage fait à dessein de l'écriture fausse ou falsifiée, pour autant qu'il s'agit d'un écrit dont peut résulter quelque droit, quelque obligation, ou l'extinction d'une dette, ou qui est destiné à servir de preuve; la détention ou l'introduction de l'étranger de billets d'une banque de circulation fondée en vertu de dispositions legales, dans le dessein de les mettre en circulation comme n'étant ni faux ui falsifiés, lorsque l'auteur savait au moment où il les a reçus, qu'ils étaient faux ou falsifiés;

14° faux serment;

15° corruption de fonctionnaires publics, punuissable selon les articles 178, 363 et 364 du code pénal néerlandais et les articles 118, 120 et 121 du code pénal danois; concussion; détournement commis par des fonctionnaires ou par ceux qui sont considérés comme tels;

16° incendie allumé à dessein, lorsqu'il peut en résulter un danger commun pour des biens ou un danger de mort pour autrui; incendie,

allumé ans le dessein de se procurer ou de procurer à un tiers un profit illégal au détriment de l'assureur ou du porteur légal d'un contrat à la grosse;

17° destruction illégale commise à dessein d'un édifice appartenant en tout ou en partie à un autre ou d'un édifice ou d'une construction, lorsqu'il peut en résulter un danger commun pour des biens ou un danger de mort pour autrui;

18° actes de violence commis en public, à forces réunies, contre des personnes ou des biens;

19° le fait illégal commis à dessein de faire couler à fond, de faire échouer, de détruire, de rendre impropre à l'usage ou de détériorer un navire, lorsqu'il peut en résulter un danger pour autrui;

20° émeute et insubordination des gens de l'équipage contre leurs supérieurs;

21° le fait commis à dessein d'avoir mis en péril un convoi sur un chemin de fer;

22° vol (Tyveri, Ran og Röveri);

23° escroquerie et détournement;

24° abus de blanc-seing;

25° banqueroute frauduleuse.

Sont comprises dans les qualifications précédentes la tentative et la complicité, lorsqu'elles sont punissables d'après la législation du pays auquel l'extradition est demandée.

L'obligation d'extradition ne s'étend pas aux nationaux. Le Danemark se réserve en outre la faculté de ne pas livrer les étrangers fixés et domiciliés dans le pays à moins que la demande d'extradition ne concerne un fait commis par l'étranger avant son arrivée en Danemark et que la demande ne soit faite avant que l'étranger soit domicilié depuis deux ans révolus.

Art. 2. — L'extradition n'aura pas lieu:

1° lorsque le fait a été commis dans un pays tiers et que le Gouvernement de ce pays requiert l'extradition;

2° lorsque la demande en sera motivée par le même fait, pour lequel l'individu réclamé à été jugé dans le pays auquel l'extradition est demandée et du chef duquel il y a été condamné, absous ou acquitté;

3° si, d'après les lois du pays auquel l'extradition est demandée la prescription de l'action ou de la peine est acquise avant l'arrestation de l'individu réclamé, ou, l'arrestation n'ayant pas encore eu lieu, avant qu'il n'ait été cité devant le tribunal pour être entendu.

Art. 3. — L'extradition n'aura pas lieu aussi longtemps que l'individu réclamé est poursuivi pour le même fait dans le pays auquel l'extradition est demandée.

Art. 4. — Si l'individu réclamé est poursuivi ou subit nne peine pour une autre infraction que celle qui a donné lieu à la demande d'extradition, son extradition ne sera accordée qu'après la fin de la poursuite dans le pays auquel l'extradition est demandée, et, en cas de condamnation, qu'après qu'il aura subi sa peine ou qu'il aura été gracié. Néanmoins, si d'après les lois du pays qui demande l'extradition, la prescription de la poursuite pouvait résulter de ce délai, son extradition sera accordée, si des considérations spéciales ne s'y opposent, et sous l'obligation de renvoyer l'extradé aussitôt que la poursuite dans ce pays sera finie.

Art. 5. — L'individu extradé ne pourra être ni poursuivi ni puni, dans le pays auxquel l'extradition a été accordée, pour un fait punissable quelconque non prévu par la présente convention et antérieur à son extradition, ni extradé à un Etat tiers sans le consentement de celui qui a accordé l'extradition, à moins qu'il n'ait eu la liberté de quitter de nouveau le pays susdit pendant un mois après avoir été jugé, et, en cas de condamnation, après avoir subi sa peine ou après avoir été gracié.

Il ne pourra pas non plus être poursuivi ni puni du chef d'un fait prévu par la convention, antérieur à l'extradition, sans le consentement du Gouvernement qui a livré l'extradé et qui pourra, s'il le juge convenable, exiger la production de l'un des documents mentionnés dans l'art. 7 de la présente convention. Toutefois, ce consentement ne sera pas nécessaire lorsque l'inculpé aura demandé spontanément à être jugé ou à subir sa peine ou lorsqu'il n'aura pas quitté, dans le délai fixé plus haut, le territoire du pays auquel il a été livré.

Art. 6. — Les dispositions du présent traité ne sont point applicables aux délits politiques. La personne qui a été extradée à raison de l'un des faits de droit commun mentionnés à l'art. 1, ne peut, par conséquent, en aucun cas, être poursuivie et punie dans l'Etat auquel l'extradition a été accordée, à raison d'un délit politique commis par elle avant l'extradition, ni à raison d'un fait connexe à un semblable délit politique, à moins qu'elle n'ait eu la liberté de quitter de nouveau le pays pendant un mois après avoir été jugée et, en cas de condamnation, après avoir subi sa peine ou après avoir été graciée.

Art. 7. — L'extradition sera demandée par la voie diplomatique et ne sera accordée que sur la production de l'original ou d'une expédition authentique, soit d'un jugement de condamnation, soit d'une ordonnance de mise en accusation ou de renvoi devant la justice répressive avec mandat d'arrêt, soit d'un mandat d'arrêt, délivré dans les formes prescrites par la législation de l'Etat qui fait la demande, et indiquant suffisamment le fait dont il s'agit, pour mettre l'Etat requis à même de juger s'il constitue, d'après sa législation, un cas prévu par la présente convention, ainsi que la disposition pénale qui lui est applicable.

Art. 8. — Les objets saisis en la possession de l'individu réclamé seront livrés à l'Etat requérant, si l'autorité compétente de l'Etat requis en a ordonnée la remise.

Art. 9. — En attendant la demande d'extradition par la voie diplomatique, l'arrestation provisoire de l'individu dont l'extradition peut être requise aux termes de la présente convention, pourra être demandée:

du côté des Pays-Bas par tout officier de justice ou tout juge d'instruction (juge commissaire).

du coté de Danemark par tout juge d'instruction ou par le président du tribunal de commerce de Copenhague.

L'arrestation provisoire est soumise aux formes et aux règles prescrites par la législation du pays auquel la demande est faite.

Art. 10. — L'étranger arrêté provisoirement, aux termes de l'article précédent, sera, à moins que son arrestation ne doive être maintenue pour un autre motif, mis en liberté, si, dans le délai de vingt jours après la

date du mandat d'arrestation provisoire, la demande d'extradition par la voie diplomatique, avec remise des documents prescrits par la présente convention, n'a pas été faite.

Art. 11. — Lorsque, dans la poursuite d'une affaire pénale non politique, un des Gouvernements jugera nécessaire l'audition de témoins se trouvant dans l'autre Etat, une commission rogatoire sera envoyée à cet effet par la voie diplomatique, et il y sera donné suite, en observant les lois du pays, où les témoins seront invités à comparaître. En cas d'urgence toutefois une commission rogatoire pourra être directement adressée par l'autorité judiciaire dans l'un des Etats à l'autorité judiciaire dans l'autre Etat.

Toute commission rogatoire, ayant pour but de demander une audition de témoins, devra être accompagnée d'une traduction française.

Art. 12. — Si dans une cause pénale non politique la comparution personnelle d'un témoin dans l'autre pays est nécessaire ou désirée, son Gouvernement l'engagera à se rendre à l'invitation qui lui sera faite, et en cas de consentement, il lui sera accordé des frais de voyage et de séjour, d'après la décision du tribunal en vertu des tarifs et règlements en vigueur dans le pays où l'audition devra avoir lieu, ou, à défaut de tels tarifs ou règlements, en lui allouant l'indemnité allouée par le Gouvernement requérant à la demande du Gouvernement de l'autre pays, transmise par voie diplomatique.

Aucun témoin, quelle que soit sa nationalité, qui, cité dans l'un des deux pays, comparaîtra, volontairement devant les juges de l'autre pays, ne pourra y être poursuivi ou détenu pour des faits ou condamnations criminels antérieurs, ni sous prétexte de complicité dans les faits, objets du procès où il figurera comme témoin.

Art. 13. — Lorsque dans une cause pénale non politique la communication de pièces de conviction ou de documents qui se trouveraient entre les mains des autorités de l'autre pays, sera jugée utile ou nécessaire, la demande en sera faite par la voie diplomatique, et l'on y donnera suite à moins de considérations spéciales qui s'y opposent, et sous l'obligation de renvoyer les pièces.

Art. 14. — Le transit, à travers le territoire de l'un des Etats contractants, d'un individu livré par une tierce Puissance à l'autre Partie et n'appartenant pas au pays du transit, sera accordé sur la simple production, en original ou en expédition authentique, de l'un des actes de procédure mentionnés à l'art. 7, pourvu que le fait servant de base à l'extradition soit compris dans la présente convention et ne rentre pas dans les prévisions des artt. 2 et 6, et que le transport ait lieu, quant à l'escorte, avec le concours de fonctionnaires du pays qui a autorisé le transit sur son territoire.

Les frais du transit seront à la charge de l'Etat requérant.

Art. 15. — Les Gouvernements respectifs renoncent de part et d'autre à toute réclamation pour la restitution des frais d'entretien, de transport et autres, qui pourraient résulter, dans les limites de leurs territoires respectifs, de l'extradition des prévenus, accusés ou condamnés, ainsi que de ceux résultant de l'exécution des commissions rogatoires, et de l'envoi et de la restitution des pièces de conviction ou des documents.

Au cas où le transport par mer serait jugé préférable, l'individu à extrader sera conduit au port que désignera l'agent diplomatique ou consulaire du Gouvernement requérant, aux frais duquel il sera embarqué.

Art. 16. — La présente convention, laquelle n'est pas applicable aux colonies, ne sera exécutoire qu'à dater du vingtième jour après sa promulgation dans les formes prescrites par les lois des deux pays.

A partir de sa mise à exécution la convention du 28 Juillet 1877 *) cessera d'être en vigueur et sera remplacée par la présente convention, laquelle continuera à sortir ses effets jusqu'à six mois après déclaration contraire de la part de l'un des deux Gouvernements.

Elle sera ratifiée et les ratifications en seront échangées dans le délai de six semaines ou plus tôt si faire se peut.

En foi de quoi les plénipotentiaires respectifs ont signé la présente convention et y apposé leurs cachets.

Fait en double expédition à Copenhague, le 18 Janvier 1894.

(L. S.) *R. de Pestel.*
(L. S.) *Reedtz Thott.*

89.

BELGIQUE.

Lois concernant les étrangers et la répression du vagabondage; du 6 février 1885, du 6 mars 1891, du 27 novembre 1891, du 5 février 1894.

Moniteur du 8 février 1885, du 8 mars 1891, du 9 février 1894.

Loi du 6 février 1885 (concernant les étrangers) — Moniteur du 8 février 1885.

Léopold II, etc.

Les Chambres ont adopté et nous sanctionnons ce qui suit.

Art. 1. — L'étranger résidant en Belgique qui par sa conduite compromet la tranquillité publique, ou celui qui est poursuivi ou qui a été condamné à l'étranger par les crimes ou délits qui donnent lieu à l'extradition, peut être contraint par le Gouvernement de s'éloigner d'un certain lieu, d'habiter dans un lieu déterminé, ou même de sortir du royaume.

L'arrêté royal enjoignant à un étranger de sortir du royaume parcequ'il compromet la tranquillité publique sera délibéré en conseil des Ministres.

Art. 2. — Les dispositions de l'article précédent ne pourront être appliquées aux étrangers qui se trouvent dans un des cas suivants, pourvu que la nation à laquelle ils appartiennent soit en paix avec la Belgique:

1° A l'étranger autorisé à établir son domicile dans le royaume;

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*) V. N. R. G. 2e s. II, 40.

2° A l'étranger marié avec une femme belge dont il a un ou plusieurs enfants nés en Belgique pendant sa résidence dans le pays;

3° A l'étranger décoré de la Croix de fer;

4° A l'étranger qui, marié avec une femme belge, a fixé sa résidence en Belgique depuis plus de cinq ans et a continué à y résider d'une manière permanente;

5° A l'individu né en Belgique d'un étranger et qui réside, lorsqu'il se trouve dans le délai d'option prévu par l'article 9 du code civil.

Art. 3. — L'arrêté royal porte en vertu de l'article 1 sera signifié par huissier à l'étranger qu'il concerne.

Il sera accordé à l'étranger un délai qui devra être d'un jour franc au moins.

Art. 4. — L'étranger qui aura reçu l'injonction de sortir du royaume sera tenu de désigner la frontière par laquelle il sortira, il recevra une feuille de route réglant l'itinèraire de son voyage et la durée de son séjour dans chaque lieu où il doit passer. En cas de contravention à l'une ou l'autre de ces dispositions, il sera conduit hors du royaume par la force publique.

Art. 5. — Le gouvernement pourra enjoindre de sortir du territoire du royaume à l'étranger qui quittera la résidence qui lui aura été dàsignée.

Art. 6. — Si l'étranger auquel il aura été enjoint de sortir du royaume rentre sur le territoire, il pourra être poursuivi, et il sera condamné, pour ce fait, à un emprisonnement de quinze jours à 6 mois, et, à l'expiration de sa peine, il sera conduit à la frontière.

Art. 7. — Il sera rendu compte annuellement aux Chambres de l'exécution de la présente loi.

Art. 8. — La présente loi ne sera obligatoire que jusqu'au 1 février 1888, à moins qu'elle ne soit renouvelée.

Art. 9. — Les arrêtés d'expulsion pris en vertu des lois antérieures sont maintenus.

Art. 10. — La présente loi sera obligatoire le lendemain de sa publication.

Promulguons, etc.

Contresignée par M. le Ministre de la Justice
J. Devolder.

Loi du 6 mars 1891 (concernant les étrangers — Moniteur du 8 mars 1891).

Léopold II, etc.

Les Chambres ont adopté et nous sanctionnons ce qui suit:

Art. 1. — Les articles 1 à 7 de la loi du 6 février 1885, concernant les étrangers, sont remis en vigueur.

Art. 2. — La présente loi ne sera obligatoire que jusqu'au 15 février 1894, à moins qu'elle ne soit renouvelée.

Art. 3. — Les arrêts d'expulsion pris en vertu des lois antérieures sont maintenus.

Art. 4. — La présente loi sera obligatoire le lendemain de son insertion au Moniteur.

Promulguons, etc.

Contresignée par le Ministre de la Justice
M. *Jules Lejeune.*

Article 10 de la loi du 27 novembre 1891 (répression du vagabondage).

Les étrangers adultes et valides ne résidant pas en Belgique qui seront trouvés mendiant ou en état de vagabondage pourront être immédiatement reconduits à la frontière.

Article 19 (même loi).

Le gouvernement pourra en tout temps faire reconduire à la frontière les individus de nationalité étrangère qui seront mis à sa disposition pour être internés dans un dépôt de mendicité ou dans une maison de refuge.

Article 28 de la loi du 27 novembre (assistance publique).

Le gouvernement est autorisé à conclure avec les Etats étrangers des traités pour le repatriement des indigents.

Sauf convention internationale, les indigents étrangers peuvent, à la demande des administrations qui pourvoient à leur assistance, être renvoyés à la frontière.

Loi du 5 février 1894 — concernant les étrangers.
(Moniteur du 9 février 1894)

Léopold II, etc.

Les Chambres ont adopté et nous sanctionnons ce qui suit:

Art. 1. — La loi du 6 mars 1891, relative aux étrangers, est prorogée jusqu'au 15 février 1897.

Art. 2. — La présente loi sera obligatoire le lendemain de sa publication.

Promulguons, etc.

Contresignée par le Ministre de la Justice
M. *Jules Lejeune.*

90.

ITALIE, ÉGYPTE.

Prorogation, pour une nouvelle période de cinq ans, des tribunaux mixtes en Égypte; du 17 janvier/17 février 1894.

Trattati e Convenzioni fra il Regno d'Italia e gli altri Stati, Vol. XIII, Rome 1895.

(Scambio di note).

Il regio Agente e Console generale d'Italia al Cairo al Ministro degli affari esteri d'Egitto.

Le Caire, ce 17 janvier 1894.

Monsieur le Ministre,

Par sa note circulaire du 24 avril de l'année dernière Votre Excellence m'a demandé de soumettre à l'approbation du Gouvernement du Roi certaines modifications que celui de S. A. le Khédive considère comme nécessaire d'introduire dans le règlement d'organisation judiciaire des tribunaux mixtes, dont les pouvoirs expirent le 1 février prochain, entre autres celle de leur prorogation pour une nouvelle période de cinq ans.

Le Gouvernement de Sa Majesté vient de m'autoriser à déclarer à Votre Excellence qu'il adhère à la prorogation quinquennale des dits tribunaux, ainsi qu'à l'interprétation donnée par le Gouvernement du Khédive et par la jurisprudence de la Cour d'appel à l'article IX, titre I, du règlement d'organisation judiciaire ayant trait à la compétence en matière immobilière.

Les autres questions énumérées dans la susdite circulaire ne pourront recevoir une solution que lorsque les négociations en cours permettront d'établir une entente entre les Cabinets intéressés.

En me faisant un agréable devoir de vous adresser cette communication, en vue de faciliter la continuation du fonctionnement des tribunaux mixtes, je saisis, etc.

L. Macciò.

Il Ministro degli affari esteri d'Egitto
all'Agente e Console generale d'Italia al Cairo.

Le Caire, ce 17 février 1894.

Monsieur l'Agent et Consul général,

Vous avez bien voulu me notifier par votre dépêche du 17 janvier dernier que le Gouvernement de S. M. le Roi, adhérait à la prorogation des pouvoirs des tribunaux mixtes, ainsi qu'à l'interprétation donnée par le Gouvernement khédivial et par la jurisprudence de la Cour d'appel à l'article IX, titre I, du règlement d'organisation judiciaire concernant la compétence de ces tribunaux en matière immobilière.

En Vous priant de transmettre au Gouvernement du Roi les remercî-

ments du Gouvernement de Son Altesse pour cette bienveillante notification, laissez-moi, monsieur l'Agent et Consul général, exprimer l'espoir que les autres propositions égyptiennes contenues dans ma circulaire du 24 avril dernier seront également l'objet d'un examen bienveillant de la part du Gouvernement de Sa Majesté.

Veuillez, etc. *Tigrane.*

91.

ITALIE, FRANCE.

Déclaration et interprétatation authentique de la convention signée à Turin le 7 mars 1861 pour la détermination des limites entre le Royaume de Sardaigne et l'Empire français, en ce qui concerne l'admission en franchise des taxes italiennes des produits des troupeaux du Mont Cenis; signée à Rome le 27 février 1894.

Raccolta dei Trattati, 1894.

Dichiarazione fra l'Italia e la Francia pel traffico di frontiera dei prodotti pastorizi (interpretativa della convenzione di delimitazione del 7 marzo 1861).

Désirant prévenir les malentendus et les contestations auxquels donnent lieu fréquemment l'interprétation et l'application de certaines clauses de la convention signée à Turin le 7 mars 1861*) pour la détermination des limites entre le Royaume de Sardaigne et l'Empire français, en ce qui concerne l'admission en franchise des taxes italiennes des produits des troupeaux du Mont Cenis, les soussignés, dûment autorisés à cet effet, sont convenus et conviennent des dispositions suivantes:

Sur l'article 9 de la convention.

Les propriétaires locataires ou fermiers des pâturages du Mont Cenis, qui ont l'intention de profiter de la franchise, seront tenus déclarer aux agents italiens, qui seront délégués à cet effet, le nombre et l'espèce des têtes de bétail qu'ils font pâturer sur leurs terres, en présentant:

a) pour les animaux qui du versant de la Savoie montent pâturer sur les hauteurs, les passavants délivrés par la douane française;

b) pour les animaux conduits d'Italie sur les mêmes hauteurs, les bulletins d'exportations temporaires délivrés par la douane italienne.

La déclaration mentionnée au premier paragraphe de l'article 9 de la convention, en ce qui concerne le beurre et le fromage, ne devra pas

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*) V. **N. R. G.** XVII. 2e Partie 58.

être présentée à la douane italienne plus tard que le 31 août de chaque année.

En même temps que la déclaration, seront présentés les documents susmentionnés des douanes italienne et française.

Pour établir définitivement la quantité des produits des troupeaux que chaque propriétaire aura le droit d'importer en franchise en Italie, la douane italienne, après le retour des dits troupeaux en France pourra s'assurer près la douane française des réductions qui auront eu lieu dans l'effectif des troupeaux durant la saison, et du jour où les animaux venus de la Savoie auront laissé le pâturage.

Les quantités des produits à assigner à chaque propriétaire seront déterminées d'après les dates ainsi recueillies et fixées dans les proportions suivantes:

a) Pour chaque vache et par jour;		
fromage „Persillé“ du Mont Cenis	Kg.	0.710
ou de „Grujère“	„	0.650
et beurre	„	0.072
b) Pour chaque chèvre et par jour:		
fromage	„	0.051
et beurre	„	0.019
c) Pour chaque brebis et par jour;		
fromage	„	0.048

Ces chiffres ne pourront être modifiés qu'à la suite d'une expertise contradictoire, faite par un fonctionnaire de la douane italienne et par un fonctionnaire la douane française de même grade, constatant que les dits chiffres sont notoirement inférieurs ou supérieurs à la réalité.

Les quantités de fromage susindiquées représentent le maximum à admettre en exemption de droits pour chaque vache, pour chaque chèvre et pour chaque brebis, et par jour, alors même que pour les vaches et les chèvres le beurre n'est pas importé en Italie.

Afin d'éviter les contestations que pourrait soulever la détermination du nombre des têtes de bétail qui devra servir de base pour établir les quantités des produits des troupeaux à importer en Italie en franchise de taxes, les Gouvernements des deux Etats enverront des instructions aux douanes respectives, pour que sur les passavants et sur les bulletins d'exportations temporaires le nombre des vaches, chèvres ou brebis à lait soit indiqué exactement et séparément de celui des jeunes animaux (génisses, agnelles, chevrettes, castrats, etc.) ou des autres animaux qui ne produiraient pas de lait durant la saison de pâturage.

Sur l'article 10 de la convention.

Etant reconnu qu'une partie des fromages fabriqués sur le Mont Cenis seraient encore imparfaits et ne se trouverait pas en état d'être mis dans le commerce à l'échéance de l'année solaire, il reste convenu que le terme pour l'importation en franchise du fromage et du beurre est et demeure

fixé à un an, à partir de la date de la déclaration à la douane, dont il est question à l'article 9 de la convention. Si la déclaration n'est pas présentée avant l'expiration de la journée du 31 août, le terme utile pour l'importation en franchise du beurre et du fromage expirera le 31 août de l'année suivante.

Fait, en double original, à Rome, le vingt-sept février mil huit cent quatre-vingt-quatorze.

A. Blanc. *Billot.*

92.

PAYS-BAS, PRUSSE.

Traité fixant la ligne de frontière le long de la rivière d'Yssel; signé à La Haye le 10 mars 1894.*)

Staatsblad van het Koningrijk der Nederlanden, 1895, No. 39.

Ihre Majestät die Königin der Niederlande, und in Ihrem Namen die Königin-Regentin des Königreichs der Niederlande, einerseits, und Seine Majestät der Deutsche Kaiser, König von Preuszen, anderseits, von der Absicht geleitet über die Regulirung der Grenzstrecke des Isselflusses einen Vertrag abzuschlieszen, haben zu diesem Zwecke zu Ihren Bevollmächtigten ernannt:

Ihre Majestät die Königin-Regentin des Königreichs der Niederlande:

den Herrn Gijsbert van Tienhoven, Minister der auswärtigen Angelegenheiten Ihrer Majestät der Königin der Niederlande, und

den Herrn Cornelis Lely, Minister für Waterstaat, Handel und Industrie Ihrer Majestät der Königin der Niederlande;

Seine Majestät der Deutsche Kaiser, König von Preuszen:

den Herrn Grafen Cuno zu Rantzau, Ihren Geheimen Legationsrath und auszerordentlichen Gesandten und bevollmächtigten Minister am Königlich Niederländischen Hofe,

die, nach gegenseitiger Mittheilung ihrer in guter und gehöriger Form befundenen Vollmachten, über folgende Artikel übereingekommen sind.

Art. 1. — In der Issel wird nach dem zu diesem Vertrage paraphirten Uebersicht-, Lage- und Höhenplan des Meliorations-Bauinspektors Graf, vom 16 Januar 1893, ungefähr 100 M. oberhalb der Mündung des Clevischen Grabens ein bewegliches Stauwerk errichtet, dessen Lichtweite zwischen den Ufermauern 7,0 M. beträgt, und dessen Drempel auf 12,60 M. über N. N. liegt.

Sollte die Issel im preuszischen Theil künftig anderweit regulirt oder schiffbar gemacht und hierzu eine Tieferlegung des Drempels erforderlich werden, so trägt die preuszische Regierung allein die Kosten dieser baulichen Veränderung.

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*) Ratifié à La Haye le 25 mars 1895.

Art. 2. — Oberhalb des Stauwerks bis zur oberen Landesgrenze bei Landfort, ungefähr 160 M. oberhalb der Landforter Brücke, soll die Sohle der Issel in gleichmäszigem Gefälle derart ausgebaut werden, dasz sie an der oberen Grenze 13,46 M. und am Stauwerk 12,60 M. über N. N. liegt. Die Sohlbreite soll 9,0 M. betragen, die beiderseitige Böschung $1^1/_2$ fache Anlage erhalten und die in 1,5 M. Höhe über der Sohle anzulegenden Berme (Deichvorland) 1,0 M. breit sein. Die an beiden Seiten des Flusses anzulegenden Kahden erhalten 1,0 M. Kronenbreite und zweifache Böschungsanlage. Die Dammkrone soll an der oberen Grenze bei Landfort auf 15,36 M., am Stauwerk auf 14,75 M. über N. N. liegen und zwischen diesen Punkten ein gleichmäsziges Gefälle erhalten.

Art. 3. — Unterhalb des Stauwerks bis zur unteren Landesgrenze an der Mündung des Hardenberger Baches soll die Sohle der Issel in gleichmäszigem Gefälle derart ausgebaut werden, dasz sie am Stauwerk 11,69 M. und am Hardenberger Bach 11,60 M. über N. N. = 11,80 M. + A. P. liegt.

Die Sohlbreite soll 9,0 M. betragen und die Böschung $1^1/_2$ fache Anlage erhalten.

Art. 4. — Durch das in Artikel 1 genannte Stauwerk soll das Wasser in der Zeit vom 1 März bis 31 October nicht höher, als bis zu 14,08 M. über N. N. und in der Zeit vom 1 November bis Ende Februar nicht höher als 14,60 M. über N. N. gestaut werden.

Durch die bewegbaren Theile des Stauwerks zu Ulft soll das Wasser nicht höher als auf 13,50 M. + A. P. gestaut werden.

Es bleibt den beiderseitigen Regierungen vorbehalten, die zukünftige Benutzung des Staues am Clevischen Graben durch ein besonderes Reglement näher zu bestimmen, wobei zugleich auf eine zeitige Oeffnung der Stauwerke am Clevischen Graben und zu Ulft bei eintretendem Hochwasser Bedacht genommen werden soll.

Zwischen dem Stauwerk am Clevischen Graben und dem Hardenberger Bach soll ein Festpunkt errichtet und seine Höhenlage zu N. N. und A. P. bestimmt werden.

Art. 5. — Die beiden Regierungen werden, jede in ihrem Staatsgebiet, dafür Sorge tragen, dasz die zur Ausführung der in diesem Vertrag vereinbarten Anlagen erforderlichen Grundflächen baldthunlichst bereit gestellt werden.

Art. 6. — Die Kosten der nach diesem Vertrag auszuführenden Anlagen sollen, einschlieszlich des Grunderwerbs, nach der Uferlänge der beiderseitigen Gebiete vertheilt werden, so dasz, da die Issel in der Vertragsstrecke auf ungefähr 2175 M. die Grenze zwischen Niederland und Preuszen bildet und auf ungefähr 1210 M. ganz in preuszischem Gebiet liegt, auf den niederländischen Antheil $\frac{2175}{6770}$ und auf den preuszischen Antheil $\frac{4595}{6770}$ der ganzen Summe entfallen.

Art. 7. — Die preussische Regierung übernimmt die Ausführung der in diesem Vertrag bezeichneten Anlagen.

Art. 8. — Die preuszische Regierung wird dafür Sorge tragen, dasz das Stauwerk oberhalb der Mündung des Clevischen Grabens, gemäsz den

Bestimmungen des Art. 4, bedient und unterhalten wird und zwar allein auf Kosten des preuszischen Theils.

Art. 9. — Die Unterhaltung der nach diesem Vertrag zu regulirenden Fluszstrecke soll, soweit letztere die Grenze der beiden Staaten bildet, durch jeden Staat auf seinem Gebiet erfolgen und, soweit beide Ufer in preuszischem Gebiet liegen, von Preuszen allein übernommen werden.

Art. 10. — Der gegenwärtige Vertrag soll ratifizirt und der Austausch der Ratifikationsurkunden sobald als möglich im Haag bewirkt werden.

Dessen zu Urkunden haben die Bevollmächtigten den gegenwärtigen Vertrag unterschrieben und mit ihren Insiegeln versehen.

So geschehen im Haag in doppelter Ausfertigung den 10 März 1894.

(L. S.) (gez.) *van Tienhoven.*
(L. S.) (gez.) *C. Lely.*
(L. S.) (gez.) *v. Rantzau.*

93.

ÉTATS-UNIS D'AMÉRIQUE, CHINE.

Convention concernant l'immigration des Chinois dans le territoire de l'Amérique du Nord; signée à Washington le 17 mars 1894.*)

Conventions concluded by the United States of America with foreign nations.

Whereas, on the 17th day of November A. D. 1880, and of Kwanghsü, the sixth year, tenth moon, fifteenth day, a Treaty was concluded between the United States and China for the purpose of regulating, limiting, or suspending the coming of Chinese laborers to, and their residence in, the United States;

And whereas the Government of China, in view of the antagonism and much deprecated and serious disorders to which the presence of Chinese laborers has given rise in certain parts of the United States, desires to prohibit the emigration of such laborers from China to the United States;

And whereas the two Governments desire to coöperate in prohibiting such emigration, and to strengthen in other ways the bonds of friendship between the two countries;

And whereas the two Governments are desirous of adopting reciprocal measures for the better protection of the citizens or subjects of each within the jurisdiction of the other;

Now, therefore, the President of the United States has appointed Walter Q. Gresham, Secretary of State of the United States, as his Plenipotentiary, and His Imperial Majesty, the Emperor of China has appointed

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*) Les ratifications ont été échangées à Washington le 7 décembre 1894.

Yang Yü, Officer of the second rank, Sub-Director of the Court of Sacrificial Worship, and Envoy Extraordinary and Minister Plenipotentiary to the United States of America, as his Plenipotentiary; and the said Plenipotentiaries having exhibited their respective Full Powers found to be in due and good form, have agreed upon the following articles:

Art. 1. — The High Contracting Parties agree that for a period of ten years, beginning with the date of the exchange of the ratifications of this Convention, the coming, except under the conditions hereinafter specified, of Chinese laborers to the United States shall be absolutely prohibited.

Art. 2. — The preceding Article shall not apply to the return to the United States of any registered Chinese laborer who has a lawful wife, child, or parent in the United States, or property therein of the value of one thousand dollars, or debts of like amount due him and pending settlement. Nevertheless every such Chinese laborer shall, before leaving the United States, deposit, as a condition of his return, with the collector of customs of the district from which he departs, a full description in writing of his family, or property, or debts, as aforesaid, and shall be furnished by said collector with such certificate of his right to return under this Treaty as the laws of the United States may now or hereafter prescribe and not inconsistent with the provisions of this Treaty; and should the written description aforesaid be proved to be false, the right of return thereunder, or of continued residence after return, shall in each case be forfeited. And such right of return to the United States shall be exercised within one year from the date of leaving the United States; but such right of return to the United States may be extended for an additional period, not to exceed one year, in cases where by reason of sickness or other cause of disability beyond his control, such Chinese laborer shall be rendered unable sooner to return—which facts shall be fully reported to the Chinese consul at the port of departure, and by him certified, to the satisfaction of the collector of the port at which such Chinese subject shall land in the United States. And no such Chinese laborer shall be permitted to enter the United States by land or sea without producing to the proper officer of the customs the return certificate herein required.

Art. 3. — The provisions of this Convention shall not affect the right at present enjoyed of Chinese subjects, being officials, teachers, students, merchants or travellers for curiosity or pleasure, but not laborers, of coming to the United States and residing therein. To entitle snch Chinese subjects as are above described to admission into the United States, they may produce a certificate from their Government or the Government where they last resided viséd by the diplomatic or consular representative of the United States in the country or port whence they depart.

It is also agreed that Chinese laborers shall continue to enjoy the privilege of transit across the territory of the United States in the course of their journey to or from other countries, subject to such regulations by the Government of the United States as may be necessary to prevent said privilege of transit from being abused.

Art. 4. — In pursuance of Article 3 of the Immigration Treaty between the United States and China, signed at Peking on the 1thy d7a

of November, 1880,*) (the 15th day of the tenth month of Kwanghsü, sixth year) it is hereby understood and agreed that Chinese laborers or Chinese of any other class, either permanently or temporarily residing in the United States, shall have for the protection of their persons and property all rights that are given by the laws of the United States to citizens of the most favored nation, excepting the right to become naturalized citizens. And the Government of the United States reaffirms its obligation, as stated in said Article 3, to exert all its power to secure protection to the persons and property of all Chinese subjects in the United States.

Art. 5. — The Government of the United States, having by an Act of the Congress, approved May 5, 1892,**) as amended by an Act approved November 3, 1893, required all Chinese laborers lawfully within the limits of the United States before the passage of the first named Act to be registered as in said Acts provided, with a view of affording them better protection, the Chinese Government will not object to the enforcement of such acts, and reciprocally the Government of the United States recognizes the right of the Government of China to enact and enforce similar laws or regulations for the registration, free of charge, of all laborers, skilled or unskilled, (not merchants as defined by said Acts of Congress), citizens of the United States in China, whether residing within or without the treaty ports.

And the Government of the United States agrees that within twelve months from the date of the exchange of the ratifications of this Convention, and annually, thereafter, it will furnish to the Government of China registers or reports showing the full name, age, occupation and number or place of residence of all other citizens of the United States, including missionaries, residing both within and without the treaty ports of China, not including, however, diplomatic and other officers of the United States residing or travelling in China upon official business, together with their body and household servants.

Art. 6. — This Convention shall remain in force for a period of ten years beginning with the date of the exchange of ratifications, and, if six months before the expiration of the said period of ten years, neither Government shall have formally given notice of its final termination to the other, it shall remain in full force for another like period of ten years.

In faith whereof, we, the respective plenipotentiaries, have signed this Convention and have hereunto affixed our seals.

Done, in duplicate, at Washington, the 17th day of March, A. D. 1894

Walter Q. Gresham. (Seal.)
Yang Yü. (Seal.)

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*) V. **N. R. G.** 2e série XI, 730.
) V. **N. R. G. 2e série XX, 122

94.

NORVÈGE, SUISSE.

Traité de commerce; signé à Berne le 22 mars 1894.*)

Overenskomster med fremmede Stater 1894 No. 7. Udgiver E. R. Bätzmann.

Sa Majesté le Roi de Suède et de Norvège et Le Conseil Fédéral de la Confédération Suisse,

animés du désir de resserrer les liens d'amitié et les rapports de commerce qui unissent la Norvège et la Suisse, ont décidé d'un commun accord de conclure à cet effet un traité spécial, et ont nommé pour leurs plénipotentiaires, savoir:

Sa Majesté le Roi de Suède et de Norvège:

Monsieur Guillaume Christophe Christophersen, Son Ministre Plénipotentiaire en mission spéciale, Commandeur de première classe de l'ordre de Saint Olave et de l'ordre de Wasa, etc. etc.; et

Le Conseil Fédéral de la Confédération Suisse:

Monsieur Adrien Lachenal, Conseiller fédéral, Chef du Département des Affaires Etrangères;

lesquels, après s'être communiqué leurs pleins pouvoirs, trouvés en bonne et due forme, sont convenus des articles suivants;

Art. 1. — Les ressortissants de la Norvège jouiront en Suisse et les ressortissants de la Suisse jouiront en Norvège, à tous égards, notamment en ce qui concerne l'établissement ou le séjour, et pourvu qu'ils se conforment aux lois du pays, du même traitement que les ressortissants de la nation la plus favorisée.

Art. 2. — Tout citoyen de l'un des deux Etats qui voudra s'établir dans l'autre devra être porteur de certificats de nationalité, consistant en passeports pour les ressortissants norvégiens et en actes d'origine ou en passeports pour les citoyens suisses.

Art. 3. — Les produits du sol et de l'industrie de la Norvège, de quelque part qu'ils viennent, seront admis en Suisse sur le même pied et sans être assujettis à d'autres ou à de plus forts droits de quelque dénomination que ce soit, que les produits similaires de la nation étrangère la plus favorisée.

Réciproquement, les produits du sol et de l'industrie de la Suisse, de quelque part qu'ils viennent, seront admis en Norvège sur le même pied et sans être assujettis à d'autres ou à de plus forts droits, de quelque dénomination que ce soit, que les produits similaires de la nation étrangère la plus favorisée.

Art. 4. — Les Hautes Parties contractantes s'engagent à n'établir,

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*) Les ratifications ont été échangées à Berne le 16 juillet 1894.

l'une envers l'autre, aucun droit ou prohibition d'importation ou d'exportation qui ne soit en même temps applicable aux autres nations.

Le traitement de la nation la plus favorisée est également réciproquement garanti à chacune des Hautes Parties contractantes pour tout ce qui concerne la consommation, l'entrepôt, la réexportation, le transit, le transbordement de marchandises et le commerce en général.

Art. 5. — Les voyageurs de commerce suisses voyageant en Norvège pour le compte d'une maison suisse, pourront y faire des achats pour les besoins de leur industrie et recueillir des commandes avec ou sans échantillons, mais sans colporter de marchandises.

Ils seront traités, quant à la patente, comme les voyageurs de la nation la plus favorisée.

Il y aura réciprocité en Suisse pour les voyageurs de commerce de la Norvège.

Les objets passibles d'un droit d'entrée qui servent d'échantillons et qui sont importés par ces voyageurs de commerce jouiront, de part et d'autre, moyennant les formalités de douane nécessaires pour en assurer la réexportation ou la réintégration en entrepôt, de la restitution des droits qui auront dû être déposés à l'entrée.

Art. 6. — Les stipulations du présent traité ne sont pas applicables aux monopoles d'Etat ni aux mesures qui doivent assurer leur exploitation. Elles ne pourront pas non plus être invoquées en ce qui concerne les concessions spéciales accordées ou qui seront accordées par la Norvège à la Suède, ni en ce qui concerne les concessions que les Hautes Parties contractantes ont accordées ou accorderont à l'avenir à des états limitrophes, en vue de faciliter les relations de frontière.

Art. 7. — Dans le cas où un différend sur l'interprétation ou l'application du présent traité s'élèverait entre les hautes Parties contractantes et ne pourrait être réglé à l'amiable par voie de correspondance diplomatique, celles-ci conviennent de le soumettre au jugement d'un tribunal arbitral dont ils s'engagent à respecter et à exécuter loyalement la décision.

Le tribunal arbitral sera composé de trois membres. Chacune des deux Parties contractantes en désignera un, choisi en dehors de ses nationaux et des habitants du pays. Ces deux arbitres nommeront le troisième. S'ils ne peuvent s'entendre pour ce choix, le troisième arbitre sera nommé par un gouvernement désigné par les deux arbitres ou, à défaut d'entente, par le sort.

Art. 8. — Le présent traité entrera en vigueur le 1 août 1894 et restera exécutoire jusqu'au 31 décembre 1903. Dans le cas où aucune des Parties contractantes n'aurait notifié à l'autre, douze mois avant la fin de ladite période, son intention d'en faire cesser les effets, il continuera à être obligatiore jusqu'a l'expiration d'une année à partir du jour où l'une ou l'autre des Parties contractantes l'aura dénoncé.

Art. 9. — Le présent traité sera soumis à l'approbation des Représentations nationales des deux pays.

Il sera ratifié et les ratifications en seront échangées à Berne le plus tôt possible.

En foi de quoi, les Plénipotentiaires ont signé le présent traité et l'ont revêtu de leurs cachets.

Fait à Berne, en double expédition, le vingt-deux mars de l'an mil huit cent quatre-vingt quatorze.

(L. S.) (signé) *W. Christophersen.*
(L. S.) (signé) *Lachenal.*

Protocole Final.

Au moment de procéder à la signature du traité de commerce et d'établissement conclu à la date de ce jour, les Plénipotentiaires des Hautes Parties contractantes sont convenus de ce qui suit:

1. Les poissons de Norvège frais ou congelés, seront admis en Suisse en franchise de droits.

2. A l'entrée en Norvège, les objets d'origine ou de fabrication suisse ci-après énumérés, seront classés et taxés comme suit:

Farine lactée	exempte
	Couronnes
Gaze de soie à bluter	le kilogr. 5.—
Bobinets et tulles de coton	„ 1.10
Tissus de coton clairs, à rayures, à carreaux, damassés ou brochés, non compris les blondes ou dentelles, ainsi que les tissus de coton clairs brodés de toute espèce, à l'exception des broderies sur canevas ou sur confections	„ 1.10

Les broderies de coton de toute espèce sur tissus de coton suivront le même régime que le tissu de fond.

Est considéré comme tissu clair celui dans lequel, sans tenir compte des broderies et autres ornements qui en recouvrent le fond, les fils du tissu sont écartés l'un de l'autre au minimum de l'épaisseur d'un desdits fils, ou en cas de doute, quand un demi-mètre carré de ce tissu ne pèse que 20 grammes ou moins.

Seront considérés comme confections les objets cousus ou brodés servant de vêtement ou de parure, tels que voiles, manches, manchettes, si ces objets sont importés séparément, même quand ils sont inachevés et non encore appropriés à l'usage.

3. Le traité de commerce et d'établissement conclu ce jour entre Sa Majesté le Roi de Suède et de Norvège et le Conseil fédéral de la Confédération suisse, de même que le présent protocole, sont rédigés et signés en langue norvégienne et en langue française. Les deux textes doivent avoir le même sens et la même signification; mais il est entendu que le texte français fera règle, dans le cas où des divergences d'interprétation viendraient à se produire sur le sens ou la portée d'une disposition quelconque dudit traité ou du présent protocole.

Le présent protocole, qui sera considéré comme approuvé et sanctionné par les Parties contractantes, et sans ratification spéciale, par le seul fait

de l'échange des ratifications dudit traité, a été dressé, en double expédition, à Berne, le vingt-deux mars de l'an mil huit cent quatre-vingt-quatorze.

(signé) *W. Christophersen.*
(signé) *Lachenal.*

95.

ÉTATS-UNIS D'AMÉRIQUE.

Loi destinée à donner exécution à la sentence du tribunal d'arbitrage rendue le 15 août 1893 en matière de la pêche des phoques à fourrure, du 9 avril 1894.

Proclamations of the President of the United States.

By the President of the United States of America.

A Proclamation.

Whereas an Act of Congress entitled "An Act to give effect to the Award rendered by the Tribunal of Arbitration at Paris, under the Treaty between the United States and Great Britain, concluded at Washington, February 29, 1892,*) for the purpose of submitting to arbitration certain questions concerning the preservation of the fur-seals," was approved April 6, 1894, and reads as follows:

Whereas the following articles of the award of the Tribunal of Arbitration constituted under the treaty concluded at Washington the twenty-ninth of February, eighteen hundred and ninety-two, between the United States of America and Her Majesty the Queen of the United Kingdom of Great Britain and Ireland were delivered to the Agents of the respective Governments on the fifteenth day of August, eighteen hundred and ninety three:

Art. 1. — The Governments of the United States and Great Britain shall forbid their citizens and subjects respectively to kill, capture, or pursue at any time, and in any manner whatever, the animals commonly called fur seals, within a zone of sixty miles around the Pribilov Islands, inclusive of the territorial waters.

The miles mentioned in the preceding paragraph are geographical miles, of sixty to a degree of latitude.

Art. 2. — The two Governments shall forbid their citizens and subjects respectively to kill, capture or pursue, in any manner whatever, during the season extending, each year, from the first of May to the thirty-first of July, both inclusive, the fur seals on the high sea, in the part of the Pacific Ocean, inclusive of the Bering Sea, which is situated to the north of the thirty-fifth degree of north latitude, and eastward of the one

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*) V. **N. R. G.** 2e série XVIII, 587 et XXI, 439.

hundred and eightieth degree of longitude from Greenwich till it strikes the water boundary described in Article 1 of the Treaty of eighteen hundred and sixty-seven between the United States and Russia, and following that line up to Berings Straits.

Art. 3. — During the period of time and in the waters in which the fur-seal fishing is allowed, only sailing vessels shall be permitted to carry on or take part in fur-seal fishing operations. They will however be at liberty to avail themselves of the use of such canoes or undecked boats, propelled by paddles, oars, or sails, as are in common use as fishing boats.

Art. 4. — Each sailing vessel authorized to fish for fur seals must be provided with a special license issued for that purpose by its Government, and shall be required to carry adistinguishing flag to be prescribed by its government.

Art. 5. — The masters of the vessels engaged in fur-seal fishing shall enter accurately in their official log book the date and place of each fur-seal fishing operation, and also the number and sex of the seals captured upon each day. These entries shall be communicated by each of the two Governments to the other at the end of each fishing season.

Art. 6. — The use of nets, firearms and explosives shall be forbidden in the fur-seal fishing. This restriction shall not apply to shotguns when such fishing takes place outside of Behring Sea, during the season when it may be lawfully carried on.

Art. 7. — The two Governments shall take measures to control the fitness of the men authorized to engage in fur-seal fishing; these men shall have been proved fit to handle with sufficient skill the weapons by means of which this fishing may be carried on.

Art. 8. — The regulations contained in the preceding articles shall not apply to Indians dwelling on the coast of the territory of the United States or of Great Britain, and carrying on fur-seal fishing in canoes or undecked boats not transported by or used in connection with other vessels and propelled wholly by paddles, oars or sails and manned by not more than five persons each in the way hitherto practiced by the Indians, provided such Indians are not in the employment of other persons and provided that, when so hunting in canoes or undecked boats, they shall not hunt fur seals outside of territorial waters under contract for the delivery of the skins to any person.

This exemption shall not be construed to affect the municipal law of either country, nor shall it extend to the waters of Behring Sea or the waters of the Aleutian Passes.

Nothing herein contained is intended to interfere with the employment of Indians as hunters or otherwise in connection with fur sealing vessels as heretofore.

Art. 9. — The concurrent regulations hereby determined with a view to the protection and preservation of the fur seals, shall remain in force until they have been, in whole or in part, abolished or modified by common agreement between the Governments of the United States and of Great Britain.

The said concurrent regulations shall be submitted every five years to a new examination, so as to enable both interested governments to consider whether, in the light of past experience, there is occasion for any modification thereof.

Now therefore be it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled, That no citizen of the United States, or person owing the duty of obedience to the laws or the treaties of the United States nor any person belonging to or on board of a vessel of the United States, shall kill, capture, or pursue, at any time, or in any manner whatever, outside of territorial waters, any fur seal in the waters surrounding the Pribilov Islands within a zone of sixty geographical miles (sixty to a degree of latitude) around said Islands, exclusive of the territorial waters.

Sec. 2. That no citizen of the United States, or person above described in Section 1 of this Act, nor any person belonging to or on board of a vessel of the United States, shall kill, capture, or pursue, in any manner whatever, during the season extending from the first day of May to the thirty-first day of July, both inclusive, in each year, any fur seal on the high seas outside of the zone mentioned in section one, and in that part of the Pacific Ocean, including Behring Sea, which is situated to the north of the thirty fifth degree of north latitude and to the east of the one hundred and eightieth degree of longitude from Greenwich till it strikes the water boundary described in article one of the treaty of eighteen hundred and sixty-seven, between the United States and Russia, and following that line up to Behring Straits.

Sec. 3. No citizen of the United States or person above described, in the first section of this Act, shall, during the period and in the waters in which by section two of this Act the killing of fur seals is not prohibited, use or employ any vessel, nor shall any vessel of the United States be used or employed, in carrying on or taking part in fur-seal fishing operations, other than a sailing vessel propelled by sails exclusively, and such canoes or undecked boats, propelled by paddles, oars, or sails as may belong to, and be used in connection with, such sailing vessels; nor shall any sailing vessel carry on or take part in such operations without a special license obtained from the government for that purpose, and without carrying a distinctive flag prescribed by the government for the same purpose.

Sec. 4. That every master of a vessel licensed under this act to engage in fur-seal fishing operations shall accurately enter in his official log book the date and place of every such operation, and also the number and sex of the seal captured each day; and on coming into port, and before landing cargo, the master shall verify, on oath, such official log book as containing a full and true statement of the number and character of his fur-seal fishing operations, including the number sex of seals captured; and for any false statement willfully made by a person so licensed by the United States in this behalf he shall be subject to the penalties of perjury; and any seal skins found in excess of the statement in the official log book shall be forfeited to the United States.

Sec. 5. That no person or vessel engaging in fur-seal fishing opera-

tions under this Act shall use or employ in such operations, any net, firearm, airgun, or explosive: Provided however, That this prohibition shall not apply to the use of shotguns in such operations outside of Behring Sea during the season when the killing of fur seals is not there prohibited by this Act.

Sec. 6. That the foregoing sections of this Act shall not apply to Indians dwelling on the coast of the United States, and taking fur seals in canoes or undecked boats propelled wholly by paddles, oars, or sails, and not transported by or used in connection with other vessels, or manned by more than five persons, in the manner heretofore practiced by the said Indians; Provided however, that the exception made in this section shall not apply to Indians in the employment of other persons, or who shall kill, capture, or pursue fur seals outside of territorial waters under contract to deliver the skins to other persons, nor to the waters of Behring Sea or of the passes between the Aleutian Islands.

Sec. 7. That the President shall have power to make regulations respecting the special license and the distinctive flag mentioned in this Act and regulations otherwise suitable to secure the due execution of the provisions of this act, and from time to time to add to, modify, amend, or revoke such regulations as in his judgment may seem expedient.

Sec. 8. That, except in the case of a master making a false statement under oath in violation of the provisions of the fourth section of this Act, every person guilty of a violation of the provisions of this Act, or of the regulations made thereunder, shall for each offense be fined not less than two hundred dollars, or imprisoned not more than six months, or both; and all vessels, their tackle, apparel, furniture, and cargo, at any time used or employed in violation of this Act, or of the regulations made thereunder, shall be forfeited to the United States.

Sec. 9. That any violation of this Act, or of the regulations made thereunder, may be prosecuted either in the district court of Alaska or in any district court of the United States in California, Oregon, or Washington.

Sec. 10. That if any unlicensed vessel of the United States shall be found within the waters to which this Act applies, and at a time when the killing of fur seals is by this Act there prohibited, having on board seal skins or bodies of seals, or apparatus or implements suitable for killing or taking seals; or if any licensed vessel shall be found in the waters to which this Act applies, having on board apparatus or implements suitable for taking seals, but forbidden then and there to be used, it shall be presumed that the vessel in the one case and the apparatus or implements iu the other was or were used in violation of this Act until it is otherwise sufficiently proved.

Sec. 11. That it shall be the duty of the President to cause a sufficient naval force to cruise in the waters to which this Act is applicable to enforce its provisions, and it shall be the duty of the commanding officer of any vessel belonging to the naval or revenue service of the United States, when so instructed by the President, to seize and arrest all vessels of the United States found by him to be engaged, used, or em-

ployed in the waters last aforesaid in violation of any of the prohibitions of this Act, or of any regulations made thereunder, and to take the same with all persons on board thereof, to the most convenient port in any district of the United States mentioned in this Act, there to be dealt with according to law.

Sec. 12. That any vessel or citizen of the United States, or person described in the first section of this Act, offending against the prohibitions of this Act or the regulations thereunder, may be seized and detained by the naval or other duly commissioned officers of Her Majesty the Queen of Great Britain, but when so seized and detained they shall be delivered as soon as practicable, with any witnesses and proofs on board, to any naval or revenue officer or other authorities of the United States, whose courts alone shall have jurisdiction to try the offense and impose the penalties for the same: Provided, however, That British officers shall arrest and detain vessels and persons as in this section specified only after, by appropriate legislation, Great Britain shall have authorized officers of the United States duly commissioned and instructed by the President to that end to arrest, detain, and deliver to the authorities of Great Britain vessels and subjects of that Government offending against any statutes or regulations of Great Britain enacted or made to enforce the award of the treaty mentioned in the title of this Act."

Now, therefore, be it known that I, Grover Cleveland, President of the United States of America, have caused the said Act specially to be proclaimed to the end that its provisions may be known and observed; and I hereby proclaim that every person guilty of a violation of the provisions of said Act will be arrested and punished as therein provided; and all vessels so employed, their tackle, apparel, furniture and cargo will be seized and forfeited.

In testimony whereof, I have hereunto set my hand and caused the seal of the United States to be affixed.

Done at the City of Washington this 9th. day of April in the year of our Lord one thousand eight hundred and ninety-four, and [Seal.] of the Independence of the United States the one hundred and eighteenth.

Grover Cleveland.

By the President:

W. Q. Gresham.

Secretary of State.

96.

PAYS-BAS, ALLEMAGNE, BELGIQUE, DANEMARK, GRANDE-BRETAGNE.

Protocole destiné à mettre en vigueur la Convention conclue pour remédier aux abus qu'engendre le trafic des spiritueux parmi les pêcheurs dans la Mer du Nord en dehors des eaux territoriales, du 16 novembre 1887*); signé à La Haye le 14 février 1893, suivi d'un protocole de ratification du 11 avril 1894

Staatsblad van het Koningrijk der Nederlanden, No. 59.

Protocole.

Considérant qu'il résulte des communications reçues par le Gouvernement des Pays-Bas, que le Gouvernement de la République Française n'est pas à même pour le moment de procéder à la ratification de la Convention, signée à La Haye, le 16 novembre 1887, pour remédier aux abus qu'engendre le trafic des spiritueux parmi les pêcheurs dans la Mer du Nord, en dehors des eaux territoriales, les soussignés, Ministre des Affaires Etrangères du Royaume des Pays-Bas et Plénipotentiaires d'Allemagne, de Belgique, de Danemark et de la Grande Bretagne, réunis en conférence au Ministère des Affaires Etrangères à La Haye, aujourd'hui le 14 février 1893 et dûment autorisés à cet effet, sont convenus de ce qui suit:

1° La Convention susdite sera mise en vigueur par les autres Gouvernements signataires, savoir: les Pays-Bas, l'Allemagne, la Belgique, le Danemark et la Grande Bretagne, six semaines après qu'ils en auront échangé les ratifications.

2° La faculté d'adhérer stipulée à l'article 10 de la dite Convention pour les États non signataires et étendue à la France.

3° Par dérogation à l'article 11 de la Convention les délais de cinq années et de douze mois sont respectivement réduits à une année et à trois mois.

4° Le présent Protocole qui sera ratifié en même temps que la Convention à laquelle il se refert, a été expédié en cinq exemplaires.

(signé) *van Tienhoven.*
(signé) *Rantzau.*
(signé) *B^on^. d'Anethan.*
(signé) *C. M. Viruly.*
(signé) *Horace Rumbold.*

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*) V. **N. R. G.** 2e série XIV, 540.

Procès Verbal.

Les soussignés, Plénipotentiaires d'Allemagne, de Belgique, de Danemark, de la Grande Bretagne et des Pays-Bas, Etats qui ont ratifié la convention et le protocole mentionnés ci-dessous, se sont réunis ce jourd'hui au Département des Affaires Etrangères à La Haye:

1⁰ pour procéder au dépôt des actes de ratification de la convention, conclue à La Haye le 16 Novembre 1887, pour remédier aux abus qu'engendre le trafic des spiritueux parmi les pêcheurs dans la Mer du Nord en dehors des eaux territoriales, ainsi que du protocole, signé à La Haye le 14 février 1893, se rapportant à ladite convention;

2⁰ pour arrêter, en exécution du dernier alinéa de l'article 3 de la Convention susmentionnée, la marque spéciale et uniforme que devront porter les navires, munis du permis leur accordant le droit de faire le débit aux pêcheurs d'approvisionnements et d'autres objets servant à leur usage, à l'exception des boissons spiritueuses

3⁰ et enfin pour procéder, conformément à l'article 9 de la convention précitée, à l'échange réciproque d'un exemplaire des lois qui ont été rendues dans les états susmentionnés relativement à l'objet de cette convention.

Les actes de ratification desdits cinq États, après avoir été produits et trouvés exacts et concordants, ont été remis au Ministre des Affaires Etrangères de Sa Majesté la Reine des Pays-Bas pour être déposés dans les archives de l'Etat néerlandais.

Ensuite les soussignés sont convenus que la marque spéciale et uniforme du permis dont il s'agit à l'article 3 de la convention, consistera en un pavillon qui devra toujours être arboré au haut du mât principal du navire. Ce pavillon sera blanc avec la lettre S moulée en noir au milieu; la dimension dudit pavillon est de deux mètres en carré et celle de la lettre S d'un mètre de hauteur sur deux décimètres de trait.

Enfin il a été procédé à l'échange d'un exemplaire des lois susmentionnées.

En foi de quoi les Plénipotentiaires ont signé le présent procès verbal et y ont apposé leurs cachets.

Fait à La Haye le 11 avril 1894 en un seul exemplaire dont une copie, certifiée conforme, sera transmise à chacun des États signataires.

(L. S.) (signé) *v. Reichenau.*
(L. S.) (signé) *B^on^. d'Anethan.*
(L. S.) (signé) *C. M. Viruly.*
(L. S.) (signé) *Horace Rumbold.*
(L. S.) (signé) *J. C. Jansen.*

97.

ETATS-UNIS D'AMÉRIQUE, RUSSIE.

Arrangement constituant un modus vivendi concernant la pêche des phoques à fourrure dans la mer de Bering et l'Ocean Pacifique du Nord; signé à Washington le $\frac{4 \text{ mai}}{22 \text{ avril}}$ 1894.*)

Treaties and Conventions concluded by the United States of America with foreign nations.

Agreement between the Government of the United States and the Imperial Government of Russia for a modus vivendi in relation to the Fur-Seal Fisheries in Behring Sea and the North Pacific Ocean.

For the purpose of avoiding difficulties and disputes in regard to the taking of fur-seal in the waters of Behring Sea and the North Pacific Ocean, and to aid in the preservation of seal life, the Government of the United States and the Imperial Government of Russia have entered into the following temporary agreement, with the understanding that it is not to create a precedent for the future, and that the contracting parties mutually reserve entire liberty to make choice hereafter of such measures as may be deemed best adapted for the protection of the fur-seal species, whether by means of prohibitive zones, or by the complete prohibition of pelagic sealing, or by appropriate regulation of seal-hunting in the high seas.

1. The Government of the United States will prohibit citizens of the United States from hunting fur-seal within a zone of ten nautical miles along the Russian coasts of Behring Sea, and of the North Pacific Ocean,

Arrangement entre le Gouvernement des États-Unis et le Gouvernement Impérial de la Russie pour un modus vivendi concernant la pêche des phoques à fourrure dans la mer de Bering et l'Ocean Pacifique du Nord.

Afin d'éviter toutes contentions et controverses au snjet de la pêche des phoques à fourrure dans les eaux de la mer de Bering et de l'Ocean Pacifique du Nord, et pour aider à la préservation de l'espèce, le Gouvernement des États-Unis et le Gouvernement Impérial de Russie ont conclu l'arrangement provisoire suivant, sous la réserve qu'à aucun titre il ne puisse servir de précédent, et que les parties contractantes conservent leur entière liberté dans l'avenir quant aux choix des moyens qu'elles jugeront le plus propres à la préservation des phoques à fourrure, soit au moyen de zônes prohibées, soit au moyen de l'interdiction complète de la chasse pélagique du phoque ou de sa réglementation en pleine mer.

1. Le Gouvernement des États-Unis défendra aux citoyens des États-Unis de chasser le phoque à fourrure dans une zône de dix milles maritimes le long de la côte russe de la mer Bering et de l'Océan Pacifique du Nord, ainsi

*) Ratifié.

as well as within a zone of thirty nautical miles around the Komandorsky (Commander) Islands and Tulienew (Robben) Island, and will promptly use its best efforts to ensure the observance of this prohibition by citizens and vessels of the United States.

2. Vessels of the United States engaged in hunting fur-seal in the above-mentioned zones outside of the territorial waters of Russia may be seized and detained by the naval or other duly commissioned officers of Russia; but they shall be handed over as soon as practicable to the naval or other commissioned officers of the United States or to the nearest authorities thereof. In case of impediment or difficulty in so doing, the commander of the Russian cruiser may confine his action to seizing the ship's papers of the offending vessels in order to deliver them to a naval or other commissioned officer of the United States, or to communicate them to the nearest authorities of the United States as soon as possible.

3. The Government of the United States agrees to cause to be tried by the ordinary courts, with all due guarantees of defense, such vessels of the United States as may be seized, or the ship's papers of which may be taken, as herein prescribed, by reason of their engaging in the hunting of fur-seal within the prohibited zones outside of the territorial waters of Russia aforesaid.

4. The Imperial Russian Government will limit to 30,000 head the number of fur-seal to be taken during the year 1894, on the coasts of the Komandorsky (Commander) and Tulienew (Robben) Islands.

que dans une zône de trente milles maritimes autour des Isles Kommandorsky (Commander Islands) et de l'île Tulienew (Robben Island), et prendra sans retard les mesures nécessaires pour faire respecter cette interdiction par les citoyens et les navires des États-Unis.

2. Les navires appartenant aux États-Unis se livrant à la chasse aux phoques à fourrure dans les zônes susmentionnées en dehors des eaux territoriales de la Russie, pourront être saisis et détenus par les officiers russes de la marine ou tout autre officier dûment autorisés à cet effet, mais ils devront être remis aussitôt que faire se pourra, aux officiers de la marine fédérale ou à tout autre officier autorisé à cet effet ou aux autorités des États-Unis, les plus proches. En cas d'empêchement ou de difficulté, le Commandant du croiseur russe pourra se borner à saisir les papiers de bord des navires en contravention afin de les remettre à un officier de la marine ou a tout autre officier autorisé à cet effet des États-Unis, ou pour les transmettre le plus tôt possible aux autorités des États-Unis les plus proches.

3. Le Gouvernement des États-Unis s'engage à faire juger par les tribunaux ordinaires et offrant toutes les garanties nécessaires, les navires des États-Unis arrêtés ou ceux dont les papiers de bord seraient saisis de la manière prescrite dans le present arrangement, comme s'étant livrés à la chasse aux phoques à fourrure dans la zône prohibée en dehors des eaux territoriales Russes.

4. Le Gouvernement Impérial limitera à trente mille le nombre des phoques à fourrure qui pourront être tués pendant l'année 1894 sur les côtes des iles Kommandorsky et Tulienew (Commander and Robben's Islands.)

5. The present agreement shall have no retroactive force as regards the seizure of any seal-hunting vessel of the United States by the naval or other commissioned officers of Russia prior to the conclusion hereof.

6. The present agreement being intended to serve the purpose of a mere provisional expedient to meet existing circumstances, may be terminated at will by either party upon giving notice to the other.

In witness whereof, we Walter Q. Gresham, Secretary of State of the United States, and Prince Gregoire Cantacuzene, Envoy Extraordinary and Minister Plenipotentiary of His Majesty the Emperor of all the Russias, have, on behalf of our respective Governments, signed and sealed this Agreement in duplicate, and in the English and French languages, in the City of Washington, this $\frac{\text{4 Mai}}{\text{22 Avril}}$ 1894.

5. L'arrangement actuel n'aura pas de force retrospective quant à la saisie de navires des États-Unis employés à la chasse aux phoques, par les officiers de la marine ou par tout autre officier russe antérieurement à la conclusion du présent arrangement.

6. Le présent arrangement n'étant qu'un expédient essentiellement provisoire, pourra être terminé par l'une ou l'autre des deux parties en le dénonçant.

En foi de quoi nous Walter Q. Gresham, Secrétaire d'État des États-Unis et Prince Grégoire Cantacuzène, envoyé Extraordinaire et Ministre Plénipotentiaire de Sa Majesté l'Empereur de toutes les Russies près les États-Unis, avons, au nom de nos Gouvernements respectifs, signés le présent arrangement en duplicata dans les langues anglaise et française, et y avons apposé nos sceaux, à Washington ce $\frac{\text{4 Mai}}{\text{22 Avril}}$ 1894.

Walter Q. Gresham. (Seal)
Prince Cantacuzène. (Seal)

98.

BELGIQUE, NORVÈGE.

Déclaration modifiant celle du 8 février 1884*) pour la reconnaissance réciproque des certificats de jaugeage des navires de mer; du 18 mai 1894.

Publication officielle du Ministère des affaires étrangères, communiquée à la Direction du Recueil Martens.

Ministère des affaires étrangères.

Déclaration du 18 mai 1894 modifiant, en ce qui concerne la Norvège, la Déclaration échangée le 8 février 1884 entre la Belgique et le Royaume

*) V. **N. R. G.** 2e série, XI, 613.

de Suède et de Norvège pour la reconnaissance réciproque des certificats de jaugeage des navires de mer.

Le Gouvernement de Sa Majesté le Roi des Belges et le Gouvernement de Sa Majesté le Roi de Suède et de Norvège, animés du désir de faciliter autant que possible le commerce et la navigation entre la Belgique et la Norvège, ont résolu de modifier, par le présent arrangement, les stipulations contenues dans la Déclaration du 8 février 1884 pour ce qui concerne la reconnaissance mutuelle, en Belgique et en Norvège, des certificats de jaugeage des navires de mer et, à cet effet, ont autorisé les soussignés à déclarer ce qui suit:

1° Les navires à voiles belges jaugés d'après la méthode visée dans la Déclaration du 8 février 1884 susmentionnée seront admis dans les ports norvégiens, de même que les navires à voiles norvégiens jaugés d'après la même méthode seront admis dans les ports belges, sans être assujettis à aucune opération nouvelle de jaugeage, le tonnage net inscrit dans leur certificat de jaugeage étant considéré comme équivalant au tonnage net des navires nationaux.

2° La même dispense de jaugeage existera pour les navires à vapeur, avec cette réserve que la Norvège appliquera aux navires belges et que la Belgique appliquera aux navires norvégiens, pour le calcul du tonnage net, les règles de déduction qui, dans chaque pays, sont en vigueur pour les navires nationaux. Il est entendu que l'application de ces règles de déduction se fera, autant que possible, à l'aide des indications contenues dans les certificats de jaugeage, et qu'aucun espace ne sera soumis à un nouveau mesurage si sa capacité est indiquée dans les dits certificats. Dans le cas où les certificats délivrés pour des navires à vapeur norvégiens indiqueraient, à titre de renseignement officiel, le tonnage net d'après la règle des soutes fixes qui était précédemment en vigueur, conformément à la Déclaration du 8 février 1884 susvisée, ce tonnage sera admis, sans aucun calcul ni déduction, comme représentant le tonnage légal belge; il en sera de même dans les ports norvégiens pour les navires belges qui seront pourvus d'un certificat de jaugeage énonçant le tonnage net d'après les règles fixées par le décret royal du 14 septembre 1893.

3° Les certificats de jaugeage auxquels s'applique la présente Déclaration sont, pour les navires belges, ceux qui ont été délivrés par les autorités compétentes à partir du 1 janvier 1884, et, pour les navires norvégiens, ceux qui ont été délivrés à partir du 1 octobre 1893. Les navires norvégiens munis d'un certificat de jaugeage délivré à partir du 1 avril 1876 et avant la date du 1 octobre 1893 préindiquée, continueront à être admis dans les ports belges dans les conditions fixées par la Déclaration du 8 février 1884.

Cet arrangement entrera en vigueur à partir de la date de la signature de la présente Déclaration.

Fait à Bruxelles, en double expédition, le 18 mai 1894.

(L. S.) *Merode Westerloo.* (L. S.) *Burenstam.*

Certifié par le secrétaire général
du ministère des affaires étrangères,
Bon Lambermont.

99.

PAYS-BAS, PORTUGAL.

Convention pour l'extradition des malfaiteurs; signée à Lisbonne le 19 mai 1894.*)

Staatsblad van het Koningrijk der Nederlanden. No. 168.

Sa Majesté la Reine des Pays-Bas et en Son Nom Sa Majesté la Reine Régente du Royaume, et Sa Majesté le Roi de Portugal et des Algarves

ayant résolu d'un commun accord de conclure une nouvelle convention pour l'extradition des malfaiteurs,

Ont nommé à cet effet pour Leurs plénipotentiaires, savoir:

Sa Majesté la Reine des Pays Bas et en Son Nom Sa Majesté la Reine Régente du Royaume;

Le baron Jacob Dirk Carel de Heeckeren de Kell, Son ministre résident près Sa Majesté Très-Fidèle;

Sa Majesté le Roi de Portugal et des Algarves:

Le sieur Ernesto Rodolpho Hintze Ribeiro, du conseil de Sa Majesté Très-Fidèle, conseiller d'état, grand-croix de l'ordre de la Tour et de l'Epée, de l'ordre militaire du Christ, de l'ordre du Lion Néerlandais, etc., etc., etc., président du conseil et ministre et secrétaire d'état aux départements des finances et des affaires étrangères;

Lesquels, après s'être communiqué leurs pleins pouvoirs, trouvés en bonne et due forme, sont convenus des articles suivants:

Art. 1. — Le Gouvernement néerlandais et le gouvernement portugais s'engagent à se livrer réciproquement d'après les règles déterminées par les articles suivants, à l'exception de leurs nationaux, les individus condamnés ou prévenus à raison d'un des faits ci-après énumérés, commis hors du territoire de l'état, auquel l'extradition est demandée:

1° *a.* Attentat contre la vie ou la liberté du Roi, de la Reine régnante, du Régent, ou d'un autre chef d'un état ami, ou entrepris dans le dessein de les rendre incapables de régner;

b. Attentat contre la vie ou la liberté de la Reine non régnante, de l'Héritier Présomptif du Trône ou d'un membre de la Famille Souveraine;

2° Meurtre ou assassinat, meurtre ou assassinat commis sur un enfant;

3° Menaces, faites par écrit et sous une condition déterminée, dans les cas prévus par la législation des deux pays;

4° Avortement, procuré par la femme enceinte ou par d'autres;

5° Sévices, ayant occasionné une grave lésion corporelle ou la mort, sévices commis avec préméditation ou sévices graves;

6° Viol; attentat à la pudeur; le fait d'avoir, en dehors du mariage, un commerce charnel avec une fille ou une femme au-dessous de l'âge de seize ans, ou avec une femme au dessus de cet âge, lorsque le coupable sait qu'elle est évanouie ou sans connaissance; actes d'immoralité, lorsque

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*) Les ratifications ont été échangées à La Haye le 19 août 1896.

le coupable sait que la personne avec laquelle il les commet, est évanouie ou sans connaissance, ou lorsque cette personne n'a pas atteint l'âge de seize ans; excitation d'une personne au-dessous de cet âge à commettre ou à subir des actes d'immoralité ou à avoir, en dehors du mariage, un commerce charnel avec un tiers;

7° Excitation de mineurs à la débauche et tout acte ayant pour objet de favoriser la débauche de mineurs, punissable d'après les lois des deux pays;

8° Bigamie;

9° Enlèvement, recel, suppression, substitution on supposition d'un enfant;

10° Enlèvement de mineurs;

11° Contrefaçon ou altération de monnaies ou de papier-monnaie, entreprise dans le dessein d'émettre ou de faire émettre ces monnaies ou ce papier-monnaie comme non contrefaits et non altérés, ou mise en circulation de monnaies ou de papier-monnaie contrefaits ou altérés, lorsqu'elle a lieu à dessein;

12° Contrefaçon ou falsification de timbres et de marques de l'état, ou de marques d'ouvrier, exigées par la loi, dans les cas prévus par la législation des deux pays;

13° Faux en écriture et usage fait à dessein de l'écriture fausse ou falsifiée, pour autant que les lois des deux pays permettent l'extradition de ce chef; la détention ou l'introduction de l'étranger de billets d'une banque de circulation fondée en vertu de dispositions lágales, dans le dessein de les mettre en circulation comme n'étant ni faux ni falsifiés, lorsque l'auteur savait au moment où il les a reçus, qu'ils étaient faux ou falsifiés;

14° Faux serment;

15° Corruption de fonctionnaires publics, dans les cas prévus par la législation des deux pays; concussion; détournement commis par des fonctionnaires ou par ceux qui sont considérés comme tels;

16° Incendie allumé à dessein, lorsqu'il peut en résulter un danger commun pour des biens ou un danger de mort pour autrui; incendie, allumé dans le dessein de se procurer ou de procurer à un tiers un profit illégal au détriment de l'assureur ou du porteur légal d'un contrat à la grosse;

17° Destruction illégale commise à dessein d'un édifice appartenant en tout ou en partie à un autre ou d'un édifice ou d'une construction, lorsqu'il peut en résulter un danger commun pour des biens ou un danger de mort pour autrui;

18° Actes de violence commis en public, à forces réunies, contre des personnes ou des biens;

19° Le fait illégal commis à dessein de faire couler à fond, de faire échouer, de détruire, de rendre impropre à l'usage ou de détériorer un navire, lorsqu'il peut en résulter un danger pour autrui;

20° Émeute et insubordination des passagers à bord d'un navire contre le capitaine et des gens de l'équipage contre leurs supérieurs;

21° Le fait commis à dessein d'avoir mis en péril un convoi sur un chemin de fer;

22° Vol;

23° Escroquerie;

24° Abus de blanc-seing;

25° Détournement;

26° Banqueroute frauduleuse.

Sont comprises dans les qualifications précédentes la tentative et la complicité, lorsqu'elles sont punissables d'après la législation du pays auquel l'extradition est demandée.

Art. 2. — L'extradition n'aura pas lieu:

1° Lorsque le fait a été commis dans un pays tiers et que le gouvernement de ce pays requiert l'extradition;

2° Lorsque la demande en sera motivée par le même fait, pour lequel l'individu réclamé à été jugé dans le pays auquel l'extradition est demandée et du chef duquel il y a été condamné, absous ou acquitté;

3° Si, d'après les lois du pays auquel l'extradition est demandée la prescription de l'action ou de la peine est acquise avant l'arrestation de l'individu réclamé, ou, l'arrestation n'ayant pas encore eu lieu, avant qu'il n'ait été cité devant le tribunal pour être entendu.

Art. 3. — L'extradition n'aura pas lieu aussi longtemps que l'individu réclamé est poursuivi pour le même fait dans le pays auquel l'extradition est demandée.

Art. 4. — Si l'individu réclamé est poursuivi ou subit une peine pour une autre infraction que celle qui a donné lieu à la demande d'extradition, son extradition ne sera accordée qu'après la fin de la poursuite dans le pays auquel l'extradition est demandée, et, en cas de condamnation, qu'après qu'il aura subi sa peine ou qu'il aura été gracié. Néanmoins, si d'après les lois du pays qui demande l'extradition, la prescription de la poursuite pouvait résulter de ce délai, son extradition sera accordée, si des considérations spéciales ne s'y opposent, et sous l'obligation de renvoyer l'extradé aussitôt que la poursuite dans ce pays sera finie.

Art. 5. — L'individu extradé ne pourra être ni poursuivi ni puni, dans le pays auquel l'extradition a été accordée, pour un fait punissable quelconque non prévu par la présente convention et antérieur à son extradition, ni extradé à un Etat tiers sans le consentement de celui qui a accordé l'extradition, à moins qu'il n'ait eu la liberté de quitter de nouveau le pays susdit pendant un mois après avoir été jugé, et, en cas de condamnation, après avoir subi sa peine ou après avoir été gracié.

Il ne pourra pas non plus être poursuivi ni puni du chef d'un fait punissable prévu par la convention, antérieur à l'extradition, sans le consentement du gouvernement qui a livré l'extradé et qui pourra, s'il le juge convenable, exiger la production de l'un des documents mentionnés dans l'art. 7 de la présente convention. Toutefois, ce consentement ne sera pas nécessaire lorsque l'inculpé aura demandé spontanément à être jugé ou à subir sa peine ou lorsqu'il n'aura pas quitté, dans le délai fixé plus haut, le territoire du pays auquel il a été livré.

Art. 6. — Les dispositions de la présente convention ne sont point applicables aux délits politiques. La personne qui a été extradée à raison de l'un des faits de droit commun mentionnés à l'art. 1, ne peut, par conséquent, en aucun cas, être poursuivie et punie dans l'état auquel l'extradition a été accordée, à raison d'un délit politique commis par elle avant l'extradition,

ni à raison d'un fait connexe à un semblable délit politique, à moins qu'elle n'ait eu la liberté de quitter de nouveau le pays pendant un mois après avoir été jugée et, en cas de condamnation, après avoir subi sa peine ou après avoir été graciée.

Art. 7. — L'extradition sera demandée par la voie diplomatique et ne sera accordée que sur la production de l'original ou d'une expédition authentique, soit d'un jugement de condamnation, soit d'une ordonnance de mise en accusation ou de renvoi devant la justice répressive avec mandat d'arrêt, soit d'un mandat d'arrêt, délivré dans les formes prescrites par la législation de l'état qui fait la demande, et indiquant suffisamment le fait dont il s'agit, pour mettre l'état requis à même de juger s'il constitue, d'après sa législation, un cas prévu par la présente convention, ainsi que la disposition pénale qui lui est applicable.

Art. 8. — Les objets saisis en la possession de l'individu réclamé seront livrés à l'état requérant, si l'autorité compétente de l'état requis en a ordonnée la remise.

Art. 9. — En attendant la demande d'extradition par la voie diplomatique, l'arrestation provisoire de l'individu dont l'extradition peut être requise aux termes de la présente convention, pourra être demandée:

Du côté des Pays-Bas par tout officier de justice ou tout juge d'instruction (juge commissaire).

Du côté du Portugal, par tout juge de première instance.

L'arrestation provisoire est soumise aux formes et aux règles prescrites par la législation du pays auquel la demande est faite.

Art. 10. — L'étranger arrêté provisoirement, aux termes de l'article précédent, sera, à moins que son arrestation ne doive être maintenue pour un autre motif, mis en liberté, si dans le délai de vingt jours après la date du mandat d'arrestation provisoire, la demande d'extradition par la voie diplomatique, avec remise des documents prescrits par la présente convention, n'a pas été faite.

Art. 11. — Lorsque, dans la poursuite d'une affaire pénale non politique, un des gouvernements jugera nécessaire l'audition de témoins se trouvant dans l'autre état, une commission rogatoire sera envoyée à cet effet par la voie diplomatique, et il y sera donné suite, en observant les lois du pays, où les témoins seront invités à comparaître. En cas d'urgence toutefois une commission rogatoire pourra être directement adressée par l'autorité judiciaire dans l'un des états à l'autorité judiciaire dans l'autre état.

Toute commission rogatoire, ayant pour but de demander une audition de témoins, devra être accompagnée d'une traduction française.

Art. 12. — Si dans une cause pénale non politique la comparution personnelle d'un témoin dans l'autre pays est nécessaire ou désirée, son gouvernement l'engagera à se rendre à l'invitation qui lui sera faite, et, en cas de consentement, il lui sera accordé des frais de voyage et de séjour, d'après les tarifs et règlements en vigueur dans le pays où l'audition devra avoir lieu, sauf le cas où le gouvernement requérant estimera devoir allouer au témoin une plus forte indemnité.

Aucun témoin, quelle que soit sa nationalité, qui, cité dans l'un des deux pays, comparaîtra volontairement devant les juges de l'autre pays, ne

pourra y être poursuivi ou détenu pour des faits ou condamnations criminels antérieurs, ni sous prétexte de complicité dans les faits objets du procès où il figurera comme témoin.

Art. 13. — Lorsque dans une cause pénale non politique la confrontation de criminels, détenus dans l'autre état, ou bien la communication de pièces de conviction ou de documents, qui se trouveraient entre les mains des autorités de l'autre pays, sera jugée utile ou nécessaire, la demande en sera faite par la voie diplomatique, et l'on y donnera suite à moins de considérations spéciales qui s'y opposent, et sous l'obligation de renvoyer les criminels et les pièces.

Art. 14. — Le transit, à travers le territoire de l'un des états contractants, d'un individu livré par une tierce puissance à l'autre partie et n'appartenant pas au pays du transit, sera accordé sur la simple production, en original ou en expédition authentique, de l'un des actes de procédure mentionnés à l'art. 7, pourvu que le fait servant de base à l'extradition soit compris dans la présente convention et ne rentre pas dans les prévisions des artt. 2 et 6, et que le transport ait lieu, quant à l'escorte, avec le concours de fonctionnaires du pays qui a autorisé le transit sur son territoire.

Les frais du transit seront à la charge de l'état requérant.

Art. 15. — Les gouvernements respectifs renoncent de part et d'autre à toute réclamation pour la restitution des frais d'entretien, de transport et autres, qui pourraient résulter, dans les limites de leurs territoires respectifs, de l'extradition des prévenus, accusés ou condamnés, ainsi que de ceux résultant de l'exécution des commissions rogatoires, du transport et du renvoi des criminels à confronter, et de l'envoi et de la restitution des pièces de conviction ou des documents.

Au cas où le transport par mer serait jugé préférable, l'individu à extrader sera conduit au port que désignera l'agent diplomatique ou consulaire du gouvernement requérant, aux frais duquel il sera embarqué.

Art. 16. — Les stipulations de la présente convention seront applicables aux colonies et possessions étrangères des deux Hautes Parties contractantes, mais, étant basées sur la législation de la mère-patrie, ces stipulations ne seront observées de part et d'autre que pour autant qu'elles seront compatibles avec les lois en vigueur dans ces colonies et possessions.

La demande d'extradition du malfaiteur, qui s'est réfugié dans une colonie ou possession étrangère de l'autre Partie, pourra aussi être faite directement au gouverneur ou fonctionnaire principal de cette colonie ou possession par le gouverneur ou fonctionnaire principal de l'autre colonie ou possession, pour autant que les deux colonies ou possessions étrangères sont situées dans l'Asie ou l'Afrique orientale.

Lesdits gouverneurs ou premiers fonctionnaires auront la faculté soit d'accorder l'extradition, soit d'en référer à leur gouvernement.

Art. 17. — La présente convention ne sera exécutoire qu'à dater du vingtième jour après sa promulgation dans les formes prescrites par les lois des deux pays.

A partir de sa mise à exécution la convention du 3 avril 1878 cessera d'être en vigueur et sera remplacée par la présente convention,

laquelle continuera à sortir ses effets jusqu'à six mois après déclaration contraire de la part de l'un des deux gouvernements.

Elle sera ratifiée et les ratifications en seront échangées à La Haye dans le délai de six mois ou plus tôt si faire se peut.

En foi de quoi les plénipotentiaires respectifs ont signé la présente convention et y ont apposé leurs cachets.

Fait en double expédition à Lisbonne, le dix-neuvième jour du mois de mai de l'an de Grâce mil huit cent quatre-vingt quatorze.

(L. S.) *Carel van Heeckeren.*
(L. S.) *Ernesto Rodolpho Hintze Ribeiro.*

100.

NORVÈGE, GRECE.

Déclaration modifiant les stipulations contenues dans les déclarations du 8/20 et du 6 décembre 1881 pour ce qui concerne la reconnaissance mutuelle en Grèce et en Norvège des lettres de jauge des navires de commerce; signée à Athènes le 12/24 mai 1894.

Overenskomster med fremmede Stater 1894, No. 4, Udgiver E. R. Bätzmann.

Déclaration.

Le Gouvernement de S. M. le Roi des Hellènes et le Gouvernement de S. M. le Roi de Suéde et de Norvège, animés du désir de faciliter autant que possible le commerce et la navigation entre la Grèce et la Norvège ont résolu de modifier par la présente les stipulations contenues dans les Déclarations du 8/20 et du 6 Décembre 1881 pour ce qui concerne la reconnaissance mutuelle en Grèce et en Norvège des lettres de jauge des navires de commerce, et à cet effet, il a été convenu ce qui suit:

Les navires Grecs à voile et à vapeur munis d'un certificat de jauge national délivré aprés le 30 Juin 1878 arrivant dans un port Norvégien, comme également aussi les navires à voile et à vapeur norvégiens munis d'un certificat de jauge délivré en Norvège après le 1 Octobre 1893 arrivant dans un port Grec, seront exemptés de rejaugeage, et la capacité nette du navire inscrite dans les certificats en question, sera admise comme base pour le calcul des droits à percevoir dans le port étranger, à moins que le propriétaire ou le capitaine d'un navire Grec ne demande, en vue d'une diminution de la capacité nette du navire, que la déduction pour la chambre à machine soit calculée d'après la méthode adoptée en Norvège, ce qui s'effectuera sans frais quelconque pour le navire.

Cette déclaration entrera en vigueur le $\frac{\text{20 Mai}}{\text{1 Juin}}$ 1894.

En foi de quoi la présente déclaration a été expédiée pour le Royaume de Grèce par le Ministre des Affaires Etrangères de Sa Majesté Hellénique et scellée du Sceau Royal.

Athènes le 12/24 Mai 1894.

(L. S.) *D. M. Stéphanon.*

101.

ITALIE, NORVÈGE.

Déclaration concernant la reconnaissance mutuelle des lettres de jauge des navires de commerce; du 31 mai 1894.

Trattati e Convenzioni fra il Regno d'Italia e gli altri Stati, Vol. XIII. Rome 1895.

Le Gouvernement de S. M. le Roi d'Italie et le Gouvernement de S. M. le Roi de Suède et Norvége, animés du désir de faciliter, autant que possible, le commerce et la navigation entre l'Italie et la Norvège, ont résolu de modifier, par la présente, les stipulations contenues dans la déclaration du 28 mars 1883*), pour ce qui concerne la reconnaissance mutuelle en Italie et en Norvège des lettres de jauge des navires de commerce, et, à cet effet, ont autorisé les soussignés à déclarer ce qui suit:

1⁰ Les navires italiens munis d'un certificat spécial, délivré par les autorités compétentes italiennes, constatant le tonnage net, déterminé d'après les règles en vigueur dans la Grande Bretagne, ou bien portant sur leurs papiers de bord une annotation par ces mêmes autorités indiquant le tonnage ainsi déterminé, payeront dans les ports de Norvége les taxes et droits dus par eux, sur la base du jaugeage net, résultant du certificat ou de l'annotation susdits.

Quant aux navires qui en seraient dépourvus, les capitaines pourront demander que le jaugeage net soit déterminé d'après les règles susmentionnées, pour servir de base à la perception des taxes et droits auxquels le navire est soumis.

2⁰ Les navires norvégiens munis d'un certificat spécial, délivré par les autorités compétentes norvégiennes, constatant le tonnage net déterminé d'après les règles en vigueur en Italie, ou bien portant sur leurs papiers de bord une annotation par ces mêmes autorités, indiquant le tonnage ainsi déterminé, payeront dans les ports d'Italie les taxes et droits dus par eux sur la base du jaugeage net, résultant du certificat ou de l'annotation susdits.

Quant aux navires, qui en seraient dépourvus, les autorités italiennes auront la faculté d'en faire déterminer le jaugeage net d'après les règles en vigueur en Italie, pour servir de base à la perception des taxes et droits auxquels le navire est soumis.

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*) V. **N. R. G.** 2e série, T. XIII, 600.

3° Le mesurage pour déterminer le tonnage, à défaut du certificat spécial mentionné aux paragraphes 1 et 2, sera limité aux mesures strictement nécessaires, et ne concernera pas les locaux, dont les dimensions résultent déjà des indications du certificat de jauge ordinaire.

Cette déclaration entrera en vigueur le 1 juin 1894.

Fait à Rome, en double expédition, le trente et un mai mil huit cent quatre-vingt-quatorze.

Le Ministre des affaires étrangères de S. M. le Roi d'Italie
Blanc.

L'Envoyé extraordinaire et Ministre plénipotentiaire de S. M. le Roi de Suède et de Norvége
Bildt.

(Scambio di note, annesso).

Il ministro degli affari esteri d'Italia
Al ministro di Svezia e Norvegia in Roma.

Rome, le 29 mai 1894.

Monsieur le Ministre,

Faisant suite à ma note d'hier, relative à l'arrangement à conclure avec la Norvége sur le tonnage des navires, et dans le but de bien arrêter la portée de ce même arrangement, je juge nécessaire de Vous déclarer, au moment de procéder à la signature de l'acte, qu'il est entendu que les deux Gouvernements sont d'accord sur les points suivants:

1° que les lettres de jauge norvégiennes délivrées avant le 1 octobre 1893 seront, comme par le passé, reconnues en Italie pour ce qui concerne les navires n'ayant pas été remesurés en Norvége après cette date. A ces derniers on continuera à appliquer les dispositions de la déclaration du 22 mars 1883;

2° que les navires à voile norvégiens, munis de lettres de jauge d'après les nouvelles règles, seront exempts de remesurage en Italie, et que le calcul des droits à percevoir sera basé sur le tonnage net, indiqué dans la lettre de jauge, augmenté du volume des espaces spécifiés sous les lettres *B*, *C* et *D* de leur certificat de jauge.

En Vous priant de vouloir bien, par une note rédigée dans ces mêmes termes, me donner acte, au nom de votre Gouvernement, de cette déclaration, je Vous renouvelle, monsieur le Ministre, etc.

Blanc.

Il Ministro di Svezia e Norvegia in Roma
Al Ministro degli affari esteri d'Italia.

Rome, le 30 mai 1894.

Monsieur le Baron,

J'ai eu l'honneur de recevoir la note en date d'hier, relative à l'arrangement à conclure pour la reconnaissance mutuelle des lettres de jauge norvégiennes et italiennes, par laquelle Votre Excellence, dans le but de bien arrêter la portée de ce même arrangement, a bien voulu me déclarer,

au moment de procéder à la signature de l'acte, qu'il est entendu que les Gouvernements contractants sont d'accord sur les points suivants:

1° que les lettres de jauge norvégiennes délivrées avant le 1 octobre 1893 seront, comme par le passé, reconnues en Italie pour ce qui concerne les navires n'ayant pas été remesurés en Norvége après cette date. A ces derniers on continuera à appliquer les dispositions de la déclaration du 28 mars 1883;

2° que les navires à voile norvégiens, munis de lettres de jauge d'après les nouvelles règles, seront exempts de remesurage en Italie, et que le calcul des droits à percevoir sera basé sur le tonnage net indiqué dans la lettre de jauge, augmenté du volume des espaces spécifiés sous les lettres *B*, *C* et *D* de leur certificat de jauge.

J'ai l'honneur, au nom de mon Gouvernement, de donner acte à Votre Excellence de cette déclaration, laquelle est entièrement conforme à nos vues.

Je profite de l'occasion pour Vous renouveler, etc.

Bildt.

102.

NORVÈGE, BELGIQUE.

Déclaration modifiant les stipulations contenues dans la déclaration du 8 février 1884 pour ce qui concerne la reconnaissance mutuelle des certificats de jaugeage des navires de mer; signé le 18 mai 1894.

Overenskomster med fremmede Stater 1894, No. 4, Udgiver E. R. Bätzmann.

Déclaration.

Le Gouvernement de Sa Majesté le Roi de Suéde et de Norvège et le Gouvernement de Sa Majesté le Roi des Belges, animés du désir de faciliter autant que possible le commerce et la navigation entre la Norvège et la Belgique, ont résolu de modifier par le présent arrangement les stipulations contenues dans la déclaration du 8 Février 1884 pour ce qui concerne la reconnaissance mutuelle en Norvège et en Belgique des certificats de jaugeage des navires de mer, et à cet effet ont autorisé les soussignés à déclarer ce qui suit:

1. Les navires à voiles norvégiens jaugés d'après la méthode visée dans la déclaration du 8 Février 1884*) susmentionné seront admis dans les ports belges de même que les navires à voiles belges jaugés d'après la même méthode seront admis dans les ports norvégiens sans être assujettis à aucune opération nouvelle de jaugeage, le tonnage net inscrit dans leur

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*) V. **N. R. G.** 2e série, XI, 613.

certificat de jaugeage étant considéré comme équivalent au tonnage net des navires nationaux.

2. La même dispense de jaugeage existera pour les navires à vapeur, avec cette réserve que la Norvège appliquera aux navires belges et que la Belgique appliquera aux navires norvégiens, pour le calcul du tonnage net, les règles de déduction qui, dans chaque pays, sont en vigueur pour les navires nationaux. Il est entendu que l'application de ces règles de déduction se fera, autant que possible, à l'aide des indications contenues dans les certificats de jaugeage, et qu'aucun espace ne sera soumis à un nouveau mesurage si sa capacité est indiquée dans les dits certificats délivrés pour des navires à vapeur norvégiens indiqueraient, à titre de renseignement officiel, le tonnage net d'après la règle des soutes fixes qui était précédemment en vigueur conformément à la déclaration du 8 février 1884 susvisée, ce tonnage sera admis, sans aucun calcul ni déduction, comme représentant le tonnage légal belge; il en sera de même dans les ports norvégiens pour les navires belges qui seront pourvus d'un certificat de jaugeage énonçant le tonnage net d'après les règles fixées par le décret royal du 14 Septembre 1893.

3. Les certificats de jaugeage auxquels s'applique la présente déclaration sont, pour les navires belges, ceux qui ont été délivrés par les autorités compétentes à partir du 1 Janvier 1884 et pour les navires norvégiens ceux qui ont été délivrés à partir du 1 Octobre 1893. Les navires norvégiens munis d'un certificat de jaugeage délivré à partir du 1 Avril 1876 et avant la date du 1 Octobre 1893 préindiquée continueront à être admis dans les ports belges dans les conditions fixées par la déclaration du 8 Février 1884.

Cet arrangement entrera en vigueur à partir de la date de la signature de la présente déclaration.

Fait à Bruxelles, en double expédition, le 18 Mai 1894.

(L. S.) *Burenstam.*
(L. S.) *Merode Westerloo.*

103.

BELGIQUE.

Arrêté royal concernant les marques de fabriques ou de commerce; du 4 juin 1894.

Moniteurs des 13 et 16 juin 1894.

Marques de fabrique ou de commerce.

Modification à l'article 13 de l'arrêté royal du 7 juillet 1879.

Léopold II, Roi des Belges,

A tous présents et à venir, Salut.

Vu la loi du 1 avril 1879, sur les marques de fabrique ou de commerce;

Revu Notre Arrêté du 7 juillet même année, qui règle l'exécution de cette loi;

Sur la proposition de Notre Ministre de l'Agriculture, de l'Industrie et des Travaux publics,

Nous avons arrêté et arrêtons:

Art. 1. — L'article 13 de l'Arrêté royal du 7 juillet 1879 est modifié comme suit; Les registres déposés dans les greffes, ainsi que les modèles réunis au bureau des marques de fabrique ou de commerce, (ministère de l'agriculture, de l'industrie et des travaux publics) seront communiqués sans frais au public.

Les clichés seront retournés aux déposants.

Art. 2. — Notre Ministre de l'Agriculture, de l'Industrie et des Travaux publics est chargé de l'exécution du présent arrêté.

Donné à Laeken, le 4 juin 1894.
Léopold.

Par le Roi:
Le Ministre de l'Agriculture,
de l'Industrie et des Travaux publics,
Léon de Bruyn.

104.

RÉPUBLIQUE SUD-AFRICAINE.

Régime douanier. Loi du 18 juin 1894.

Bulletin international des douanes. Avril 1895.

I. — Loi n° 4 de 1894, abrogeant la loi n° 20 de 1892.

(Approuvée par décret du Premier Conseil National, art. 502, du 18 juin 1894.)

Art. 1. — Toutes les marchandises importées de l'étranger sont soumises, sans préjudice des autres dispositions de la présente loi, à un droit d'entrée de $7^1/_2$ % ad valorem, calculé, pour la déclaration en douane et le payement desdits droits, sur la valeur marchande courante des marchandises emballées et prêtes à être au lieu où elles ont été achetées ou acquises par l'importateur pour être importées dans le territoire de la République Sud-Africaine.

Dans le cas où des marchandises seraient importées directement de pays, États ou colonies d'outre-mer en dehors du sud de l'Afrique, la susdite valeur sera majorée de 20 % pour la déclaration et le payement des droits de douane. Cette valeur comprendra également tous les emballages dans lesquels les marchandises sont vendues, tels que bouteilles, cylindres en fer blanc et en fer, barils pour ciment et pour liquides, boîtes en papier, coffres et autres semblables. Elle ne sera pas applicable aux articles ci-après, qui sont entièrement exempts de droits d'entrée, savoir:

a. Le bétail sur pied de toute espèce, à l'exception des bœufs, vaches, veaux, moutons, boucs et agneaux, qui payent les droits établis à l'article 3, dans les n°s 57 et 58, applicables au gros et au petit bétail.

Le bétail sur pied de toute espèce appartenant aux personnes qui l'emmènent avec elles en venant fixer leur résidence dans le pays, les bêtes de trait employées par les voyageurs et conducteurs, le bétail conduit en pâturage d'hiver et ramené plus tard dans la République, ainsi que le bétail conduit dans les pâturages du pays pour en sortir ensuite;

b, Les billets de banque ou autres papiers fiduciaires, ainsi que les pièces de monnaie, ayant cours légal dans la République;

c. Les livres de lecture et de musique, les cartes géographiques, les fournitures d'école imprimées, les journaux, les brochures et les publications périodiques;

d. Les produits de la chasse acquis à l'étranger par des citoyens de la République;

e. Les produits et le bétail de l'État libre d'Orange et de la province de Mozambique, s'ils sont accompagnés d'un certificat d'origine délivré par un bailli, un juge de paix résident ou un consul.

f. Les voitures et autres véhicules que les personnes de passage dans la République importent pour les réexporter à leur départ, de même que les voitures et véhicules employés par les personnes qui entrent avec leur matérial d'exploitation agricole avec l'intention de se fixer dans la République;

g. Les graines forestières, potagères et de fleurs.

Les graines pour l'agriculture et les fruits de la terre, spécialement importés par les cultivateurs eux-mêmes pour les semailles et plantations, moyennant une déclaration faite sous serment devant un juge de paix ou un receveur des contributions, à l'exception des fruits de la terre soumis par la loi à des droits spéciaux et des graines importées comme comestibles.

h. Les meubles et les outils ayant servi, appartenant à des artisans ou à d'autres personnes venant se fixer dans la République.

i. L'or brut ou d'alluvion provenant des États voisins produisant de l'or.

j. Tous les emballages extérieurs qui ne sont pas vendus avec les marchandises et qui sont importés, non pour être livrés à la vente, mais pour protéger les marchandises pendant le transport.

Art. 2. — Les machines et parties de machines de toute espèce dénommées ci-après, ainsi que le fil métallique, pour clôture, les poteaux en fer et tous les autres matériaux destinés exclusivement à la clôture des terrains ne sont soumis qu'à un droit d'importation de $1^1/_2$ % de leur valeur calculée sur les bases établies à l'article premier:

Toutes les machines servant à la production ou à la transmission de la force motrice exclusivement par un moyen mécanique ou par l'électricité;

Tout le matériel destiné uniquement au broyage et à la mouture des minerais, minéraux et produits agricoles;

Les pompes de toute espèce employées exclusivement à des usages industriels et agricoles, à l'exception des pompes à bras;

Le matériel, les appareils et machines de toute espèce destinés exclusivement à extraire les métaux des minerais, au triage et au tamisage des métaux et des minerais et à la fabrication des produits chimiques ou de l'acide employé à l'extraction de l'or;

Les machines et le matériel de toute espèce destinés exclusivement au transport et à l'extraction des minerais et des minéraux des mines, y compris les rails et les wagons ne pouvant être utilisés que sur les voies ferrées;

Les conduits de toute sorte, en métal ou en pierre ou céramique, destinés exclusivement à amener l'eau aux mines d'or ou autres ou à en écouler les eaux et les résidus, ainsi que ceux employés pour l'agriculture ou le drainage;

Les roues et le matérial de toute espèce employés à l'élévation et à l'évacuation de l'eau et des résidus ainsi qu'à l'extraction des produits industriels;

Les machines de toute espèce pour forer la terre ainsi que pour travailler le bois ou le fer;

Les fils et appareils téléphoniques et télégraphiques;

Toutes les machines agricoles, industrielles et à l'usage des métiers, telles que les faucheuses et batteuses, les machines à scier, les presses à imprimer, etc.;

Toutes les pièces de rechange et les parties des articles ci-dessus spécifiés;

Les grandes vanneuses, les presses à paille et à laine et autres appareils servant à conditionner les marchandises et produits destinés au commerce ou au transport.

Art. 3. — Indépendamment et en sus du droit général de $7^1/_2$ % ad valorem stipulé par l'article premier, les articles suivants sont soumis aux droits spéciaux ci-après, calculés sur le prix de facture ou d'achat, qui doit être la valeur marchande courante dont il est fait mention audit article premier:

Art. 4. — L'importation des fusils, pistolets, revolvers et munitions ne peut avoir lieu qu'avec l'autorisation du Commandant-Général et moyennant un droit de timbre de 5 shillings. L'importation de la dynamite et des autres matières explosibles n'est permise qu'avec l'autorisation du secrétaire d'État qui délivre à cet effet un timbre adhésif de 5 shillings. Ces autorisations peuvent toujours être refusées sans qu'il y ait lieu d'indiquer le motif de refus.

Ne sont pas soumises à cette disposition les personnes entrant dans la République avec une seule arme à feu destinée à assurer leur sécurité personnelle et pour laquelle, d'ailleurs, ils doivent payer les droits établis dans ce tarif, de même que les personnes mentionnées dans l'article suivant.

Art. 5. — Toute personne de race blanche domiciliée dans l'État libre d'Orange, de passage dans la République Sud-Africaine, peut importer en franchise de droit une arme à feu destinée à sa défense personnelle, à condition d'être munie d'un certificat de propriété émanant du bailli, du juge de paix résident, du juge de paix ou du Veldkornet de son district.

Ce certificat doit être présenté à l'entrée dans la République au receveur des contributions.

Si, toutefois, l'intéressé séjourne dans le pays plus de 30 jours, il devra acquitter les droits d'importation.

Toute infraction à cette disposition est punie des peines comminées par la présente loi.

Art. 6. — Tous les droits d'importation applicables aux marchandises importées dans la République pour la consommation ou pour le transit doivent être payés, et toutes les marchandises doivent être déclarées au receveur des bureaux de douanes officiellement constitués. Il n'est fait exception à cette règle que pour les particuliers domiciliés dans la République, qui ne sont ni commerçants, ni conducteurs, ni agents, s'ils importent des marchandises pour leur usage personnel et non pour la vente ou dans un but commercial. Ces personnes ne jouissent d'ailleurs de cette faveur que si elles sont munies d'un certificat émanant du bailli ou du receveur de leur district constatant qu'elles acquitteront à leur bureau les droits de douane. Aussitôt les marchandises débarquées, ces personnes doivent, dans le délai d'une semaine, en informer ledit fonctionnaire de leur district et payer les droits d'importation dus.

Art. 7. — L'importateur ou son représentant doit produire, au moment de la déclaration, en même temps que les documents proprement dits, toutes les lettres de voiture, factures, quittances et toutes les autres pièces nécessaires.

Le fonctionnaire chargé de la perception des droits d'entrée est autorisé à estimer et à imposer conformément à la loi les marchandises importées par toute personne qui ne présenterait pas la facture ou une preuve de la valeur.

Art. 8. — Nul ne peut introduire dans la République des marchandises ou autres articles que par les ports d'importation indiqués par le Président d'État dans le Journal officiel (Staatscourant); il n'est fait exception à cette règle que pour les particuliers habitant dans la République mentionnés à l'article 6.

Art. 9. — Les conducteurs et toutes les personnes important ou faisant passer en transit des marchandises pour le compte d'autrui, pour leur propre usage ou même pour en faire le commerce, doivent, immédiatement après l'entrée des marchandises dans le pays, en faire la déclaration au receveur établi aux ports d'importation ou aux bureaux de douanes et payer les droits correspondants.

Toutes les déclarations et tous les payements faits dans d'autres bureaux que ceux ci-dessus indiqués sont considérés comme non avenus. Sont exemptés de cette règle les particuliers dont il est question à l'article 6.

Les conducteurs ou tous autres intéressés ne peuvent importer ni aider à importer des marchandises avant le lever ni après le coucher du soleil. Il n'est fait exception à cette règle que pour les compagnies de chemins de fer.

Art. 10. — Tout conducteur ou autre importateur, convaincu d'avoir fait une déclaration incomplète des marchandises qu'il a importées, encourt les peines établies dans la présente loi.

Art. 11. — Les lettres de voiture doivent indiquer d'une manière claire et lisible les marques, le nombre et le contenu des caisses, paquets, etc.

Les factures doivent mentionner clairement le prix, la qualité et la quantité des marchandises, les marques des caisses et des paquets, les localités où les marchandises ont été achetées pour être directement embarquées et importées dans la République, etc. S'il est prouvé que les factures, lettres de voiture, certificats ou autres documents ont été falsifiés, les marchandises peuvent, en outre, être confisquées.

Art. 12. — Les conducteurs ou autres importateurs de marchandises ne peuvent les débarquer ou faire débarquer qu'après avoir présenté leurs lettres de voiture et avoir obtenu l'autorisation du Receveur des contributions, que ce fonctionnaire peut leur accorder, soit sous forme de permission spéciale, soit au moyen d'apposition de timbres, et personne ne peut prendre livraison de ces marchandises qu'après s'être fait présenter ladite autorisation.

Si cependant des commerçants ou autres importateurs de marchandises habitent à une grande distance du bureau du Receveur, ce fonctionnaire peut, avant l'arrivée des marchandises, délivrer au destinataire l'autorisation requise.

Les particuliers dont il est question à l'article 6, qui ne sont ni commerçants ni conducteurs et qui n'habitent pas dans des villages, peuvent importer de petites quantités de marchandises pour leur usage personnel, sans devoir attendre l'autorisation du Receveur.

Art. 13. — Toute personne autre que les particuliers prévus à l'article 6 qui fait passer des marchandises en transit à travers le pays doit fournir, à la demande du Receveur, du bailli, du Veldkornet, du Juge de paix, d'un membre de la police ou de toute autre personne autorisée à agir en leur nom, la preuve que les marchandises ont été déclarées aux ports d'importation désignés par le Gouvernement ou aux bureaux de douanes, ou bien présenter la quittance de la douane ou la lettre de voiture timbrée par le Receveur.

Tout conducteur doit présenter l'autorisation, la lettre de voiture timbrée ou les autres preuves de déclaration émanant du Receveur.

Art. 14. — Lorsqu'il s'agit d'articles auxquels la loi accorde l'exemption de droits, l'enregistrement et la concession d'autorisation par le Receveur sont soumis à un droit de 6 d. par 500 livres ou fraction de 500 livres. Il est fait exception à cette règle pour le charbon de terre, qui paye 1 sh. par 5,000 livres ou fraction de 5,000 livres, et pour les animaux vivants auxquels s'applique la règle suivante: lorsqu'ils ne sont pas importés avec d'autres articles et que, dès lors, ils doivent être spécialement enregistrés, le droit d'enregistrement est de 6 d. par 10 têtes ou moins, excepté lorsqu'il s'agit de volailles, pour lesquelles de droit est de 6 d. par envoi.

Art. 15. — Après que les marchandises ont été déclarées au bureau du Receveur de l'un des bureaux de douanes ou de l'un des ports d'importation officiellement désignés, on peut être dispensé du payement immédiat des droits, en s'engageant par un acte spécial dont il est parlé plus loin à payer ces droits au bureau du bailli ou du Receveur.

Art. 16. — Si l'importateur veut user de la faculté de payer les

droits au lieu de destination au moment du débarquement des marchandises, il ne peut faire entrer ses marchandises dans le pays qu'après avoir passé devant le bailli ou le Receveur un acte d'engagement, qui est soumis à l'approbation de l'Inspecteur général.

Art. 17. — Aucun conducteur ni aucune autre personne (à l'exception des particuliers mentionnés à l'article 6, domiciliés dans la République et qui importent des articles pour leur propre usage) ne peut débarquer ou faire débarquer des marchandises, et nul ne peut en prendre livraison, avant le lever ou après le coucher du soleil.

Art. 18. — Les droits d'entrée sur les marchandises transportées par l'Administration des postes doivent être payés au bureau de poste.

L'Inspecteur général ou son représentant ont le droit, d'accord avec le Maître général des postes, de faire ouvrir pas des employés de la localité, moyennant autorisation préalable, tout paquet expédié par l'Administration des postes, à l'effet de s'assurer si les droits ont été payés conformément au tarif, et s'il est établi que ces droits n'ont pas été acquittés ou qu'ils ne l'ont été que partiellement, l'expéditeur des marchandises ou celui qui les reçoit encourent les peines établies par la présente loi.

Art. 19. — Les marchandises importées par chemin de fer, voitures-poste ou autres moyens de transport ne peuvent être délivrées par les agents qui en opèrent la réception que sur la présentation du permis du Receveur; si ce document n'est pas produit, elles doivent être déposées dans l'entrepôt du Gouvernement.

Art. 20. — Toute personne convaincue d'avoir fait à un Receveur, verbalement ou par écrit, sous serment ou non, une déclaration fausse ayant pour but d'éluder la loi sur les droits d'entrée, encourra les peines établies par la présente loi.

Art. 21. — Tout importateur de marchandises est pénalement responsable de toute infraction à la présente loi, commise par une ou plusieurs personnes agissant à sa place ou en son nom, sans préjudice de la responsabilité personnelle desdits mandataires.

Art. 22. — Les négociants, marchands, hôteliers, cantiniers, sociétés et fabricants, exerçant leur commerce dans le pays, doivent tenir des livres et garder les lettres de voiture, factures et autres documents renseignant exactement tout ce qui se rapporte aux marchandises importées et vendues, afin de pouvoir, à toute réquisition, les présenter au receveur et lui permettre, le cas échéant, d'en opérer la saisie. Toute infraction à la présente disposition est passible des peines comminées par la présente loi.

Art. 23. — Toute personne qui offre en vente des marchandises, qui les transporte, les détient, les a vendues ou portées sur les livres prescrits à l'article précédent, doit, à la demande du receveur, fournir les preuves établissant le lieu d'origine des marchandises, la localité où les droits ont été payés, la date du payement, les marques et numéros des caisses, paquets, balles, etc. Ces renseignements doivent concorder avec les documents produits pour prouver le payement des droits.

Art. 24. — S'il surgit quelque doute sur le point de savoir si les droits d'entrée on été payés ou si la loi a été respectée à l'occasion de l'importation des marchandises renseignées dans les livres, documents, etc.,

prévus à l'article 22 ou de marchandises saisies ou retenues pour cause de non payement des droits ou de toute autre infraction à la loi, la preuve de ces faits incombe au propriétaire ou à l'importateur de ces marchandises ou à celui qui les a reçues et non au fonctionnaire procédant à l'instruction ou aux poursuites.

Art. 25. — Les marchandises importées de l'étranger, qui sont débarquées dans un endroit quelconque pour être expédiées dans un autre, doivent être déposées dans l'entrepôt du gouvernement ou, à défaut d'entrepôt, dans un local approuvé par le receveur. Celui qui a été autorisé à faire ce dépôt temporaire reste responsable du payement des droits. Pour charger à nouveau les marchandises, l'autorisation du receveur doit être présentée.

Art. 26. — Tout fonctionnaire chargé de la perception des droits est autorisé à retenir et emmagasiner les marchandises pour lesquelles les droits n'ont pas été payés immédiatement et à imposer à l'intéressé les frais de magasinage et de conservation.

Art. 27. — Le droit de magasinage ne peut pas dépasser $1^1/_2$ penny par 100 livres et par jour, dans les localités où il y a un entrepôt du Gouvernement; dans les autres localités, il ne peut excéder 5 shillings par 1,000 livres et par jour, sans préjudice des salaires dus pour le déchargement, le chargement et l'emmagasinage. Pour le calcul de ces frais d'emmagasinage et de conservation, le montant exact des frais réellement occasionnés doit servir de base.

Art. 28. — L'employé chargé de la perception des droits d'entrée doit apporter tous ses soins à la bonne conservation des marchandises; toutefois, les intéressés n'ont pas le droit de réclamer des employés ni du Gouvernement l'indemnisation des dommages subis par leurs marchandises.

Art. 29. — Si les droits d'importation, les frais de manipulation, etc., ne sont pas payés dans le délai de deux mois au bureau de l'employé chargé de la perception ou s'il n'a pas été porté à la connaissance de celui-ci, conformément à la loi, que le payement s'effectue à un autre endroit, les marchandises doivent être vendues aux enchères publiques aux risques et périls de l'intéressé. Le produit de la vente sert à couvrir le montant des droits et de tous les frais, et l'excédent, s'il y en a, est versé entre les mains du Trésorier général; qui doit le garder jusqu'à ce que l'intéressé le réclame. Celui-ci n'a droit à aucun intérêt sur cette somme.

Pour éviter des frais inutiles, les marchandises de peu de valeur, susceptibles de se corrompre ou dont la vente ne rapporterait pas de quoi couvrir le montant des droits et des autres frais, ainsi que celles qui ont été refusées par le propriétaire ou par le destinataire, ou dont le propriétaire a quitté le pays, peuvent, en cas de nécessité, être immédiatement vendues publiquement, sauf publication préalable.

Art. 30. — Le Gouvernement a le droit d'établir lui-même des magasins ou entrepôts ou de conclure à cet effet des conventions avec des particuliers; il peut de même publier des tarifs pour les frais de dépôt des diverses marchandises dans ces magasins, qui sont désignés sous le nom de „entrepôts du Gouvernement".

Les caisses, paquets, tonneaux, etc., déposés dans un entrepôt du Gouverne-

ment ne pourront être ouverts pour en extraire une partie du contenu, sans l'autorisation du Receveur.

Art. 31. — Le Gouvernement peut autoriser des commerçants et marchands, qui ne seraient pas en mesure de payer les droits d'importation au moment de l'entrée, à établir, à leurs frais et sur leurs propriétés ou dans un local approuvé par le Gouvernement, des magasins ou entrepôts réels désignés sous le nom de „entrepôts particuliers", dans lesquels ils peuvent, à leurs rispues et périls, déposer les marchandises déclarées jusqu'au moment où ils veulent employer, vendre ou expédier tout ou partie desdites marchandises; ils doivent, dans ce cas, payer immédiatement les droits afférents à la quantité retirée. Lesdits entrepôts doivent être pourvus de deux serrures avec des clefs différentes. L'une de celles-ci est confiée à l'employé désigné à cet effet par le Gouvernement, l'autre est laissée au commerçant ou marchand.

Pour le payement des droits d'entrée, il doit être fourni une garantie jugée suffisante par le Gouvernement. Si les marchandises ne sont pas retirées ees magasins six mois après y avoir été déposées, les droits dus au Gouvernement doivent être payés conformément à la loi. A défaut de payement, les marchandises peuvent être vendues publiquement, sauf publication préalable. Le produit de la vente est consacré au payement des droits d'entrée et autres frais, et le surplus est versé entre les mains du propriétaire des marchandises. Toutes les marchandises déposées dans les entrepôts privés dont il est question ci-dessus sont soumises, au moment de leur sortie, à une surtaxe de 5 % des droits d'entrée.

Art. 32. — Pour garantir le payement des droits d'entrée sur des marchandises déposées dans un entrepôt particulier, il faut fournir deux cautions de 500 £ chacune; la garantie de ces cautions doit consister en propriétés immobilières jugées suffisantes.

Si on dépose dans l'entrepôt des marchandises dont le montant des droits est supérieur aux deux tiers ($^2/_3$) de la somme garantie par la caution, cette somme doit être augmentée en proportion.

Le Gouvernement a toujours le droit de supprimer tout entrepôt particulier dont le possesseur a contrevenu à la loi.

Art. 33. — Tout possesseur d'un entrepôt particulier a le droit de faire ouvrir l'entrepôt une fois par semaine et sans frais, par le Receveur; pour chaque fois de plus le Receveur a le droit de se faire payer, sans cependant pouvoir exiger plus d'un shilling.

L'inspecteur général des douanes est autorisé, si les circonstances l'exigent, à prolonger le temps pendant lequel les entrepôts pouvent être ouverts.

L'ouverture des entrepôts particuliers et publics a lieu, en été de 7 heures du matin à midi et de 2 heures à 5 heures du soir, en hiver de 8 heures du matin à 1 heure et de 2 heures à 4 heures du soir, excepté les dimanches et jours de fêtes religieuses ou légales.

Art. 34. — Les cigares ne peuvent être importés qu'en caisses de 25 ou d'un multiple de 25, mais n'excédant pas 500; les cigarettes ne sont admises qu'en boîtes ou paquets de 100 ou 500.

Il est défendu de vendre des cigares et cigarettes en gros ou en détail

si les boîtes de cigares et les boîtes et paquets de cigarettes ne sont pas revêtus d'une bande spéciale qui est délivrée gratuitement par le Receveur après le payement des droits d'entrée.

Art. 35. — Toutes les boîtes de cigares et toutes les boîtes ou paquets de cigarettes qui ne sont pas déposés dans les entrepôts doivent, aussitôt après leur réception, être revêtus par le Receveur ou en sa présence, de la bande en question portant l'indication de la date, de telle manière que les boîtes ou paquets ne puissent être ouverts sans que la bande soit détériorée.

Art. 36. — Il est défendu, sous peine des amendes prévues ci-après, de vendre ou détenir des boîtes de cigares ou des boîtes ou paquets de cigarettes non revêtus de la bande du Gouvernement, d'importer des cigares ou cigarettes sans contenants, d'emballer ou vendre des cigares ou cigarettes dans des boîtes ou paquets revêtus de la bande officielle et ayant déjà servi, et enfin de vendre ou de détenir des boîtes ou paquets vides revêtus de ladite bande.

Toute personne trouvée en possession de cigares ou cigarettes dont les contenants ne sont pas revêtus de la bande, sans qu'il y ait lieu de distinguer entre ceux emballés en boîtes ou paquets et ceux destinés à être vendus en détail, et peu importe qu'ils aient été importés avant ou après la mise en vigueur de la présente loi, encourt les peines établies ci-après.

Art. 37. — Pour les cigares et cigarettes fabriqués dans le pays, des bandes sont délivrées par le Recéveur à raison de 2 s. 6 d. le cent. Cette bande doit être revêtue par le fabricant de sa marque de fabrique et de la date de la vente.

Les cigares fabriqués dans le pays ne peuvent être mis en vente en gros ou en détails s'ils ne sont contenus dans des boîtes munies de la bande officielle.

L'emploi des bandes pour d'autres cigares ou cigarettes que ceux d'importation ou de la fabrication du marchand est puni de l'amende établie ci-après ou de l'emprisonnement et de la confiscation de la marchandise.

Art. 38. — Les marchandises susceptibles de corruption et qui sont gâtées au moment de leur importation sont exemptes du payement des droits, à condition que l'intéressé en informe le Receveur immédiatement après la réception et que lesdites marchandises soient détruites en présence de ce fonctionnaire.

Art. 39. — Les droits d'importation et les amendes encourues donnent lieu à un premier privilège sur tous les biens du contribuable, et le Gouvernement a le droit de les recouvrer en premier lieu sur tous les biens et marchandises du contribuable sur lesquels les droits doivent être payés.

Règlements concernant les fonctionnaires chargés de l'exécution de la présente loi.

Art. 40. — Le Gouvernement nomme un Inspecteur général, chargé d'exercer la surveillance générale sur la perception des droits d'entrée. Il

reçoit toutes ses instructions du Conseil exécutif et répond de son administration conformément aux instruction générales.

Art. 41. — L'Inspecteur général est tenu de présenter, avant le 1 février de chaque année, au Trésorier général le budget des recettes es dépenses probables de son département pour l'exercice courant, ainsi que les propositions de modifications ou améliorations qu'il jugerait utile de soumettre au Conseil National.

Art. 42. — L'Inspecteur général ou son représentant a toujours le droit de pénétrer dans les bureaux et locaux appartenant à son département et d'exiger de tous les fonctionnaires de ce département qu'ils lui présentent ou envoyent, pour en permettre le contrôle, tous leurs livres ou autres documents.

Art. 43. — L'Inspecteur général ou son représentant doit, chaque fois que les circonstances l'exigent, visiter les bureaux et locaux de son département, à l'effet de s'assurer de la régularité du service.

Art. 44. — Le Gouvernement nomme des Receveurs, placés sous les ordres de l'Inspecteur général et appelés à rendre compte tous les mois de leur administration conformément aux règles établies dans les Instructions générales.

Art. 45. — Le Gouvernement place aux endroits où il le juge utile des receveurs chargés de la perception des droits d'entrée et établit les règlements auxquels ces fonctionnaires doivent se conformer.

Art. 46. — Tout receveur ou commis de receveur convaincu d'avoir accepté une récompense quelconque à laquelle il n'a pas droit d'après la loi et pouvant porter préjudice au Trésor est puni d'une amende proportionelle à l'importance de l'infraction et démis de ses fonctions.

La personne qui offre ou donne une semblable récompense dans le but de frustrer le Trésor est punie d'une amende stipulée ci-après.

Art. 47. — Tout fonctionnaire chargé de la perception des droits d'entrée doit envoyer tous les mois à l'Inspecteur général et au Trésorier général, par l'intermédiaire du bailli, du commissaire civil et du commissaire des mines, des états de toutes les sommes qu'il a perçues et y joindre toutes les pièces nécessaires à l'instruction, à la vérification ou à la preuve de ces documents.

Art. 48. — L'inspecteur général doit dresser tous les mois des états statistiques renseignant la quantité et la nature des marchandises importées. Ces états sont publiés dans le journal officiel (Staatscourant).

Art. 49. — Tout fonctionnaire chargé de la perception des droits d'entrée doit tenir en bon ordre les livres suivants:

1. Un livre contenant les noms de toutes les personnes, de tous les commerçants et de tous les conducteurs important ou faisant passer en transit des marchandises pour leur propre usage ou pour en faire le commerce, avec l'indication du nombre de voitures chargées de marchandises, de la provenance et de la destination des marchandises, des numéros des lettres de voiture, des noms de l'expéditeur et de celui qui reçoit l'envoi, du poids et de la nature des marchandises chargées, etc.

2. Un registre renseignant les lettres de voiture, les comptes et les

quittances qui lui ont été présentées et contenant un extrait de ces documents.

3. Un livre indiquant tous les droits et frais qu'il a perçus. Il doit, en outre, dans toutes les localités où il n'y a pas de banque, ainsi que dans les localités et bureaux désignés par le trésorier général, rendre toutes les semaines compte des sommes perçues au bailli, au commissaire civile et au commissaire des mines de son district, et, dans les localités où il y a une banque, verser chaque jour le montant de ces sommes, tandis que les receveurs établis dans des endroits écartés ne doivent effectuer leurs versements de la manière indiquée qu'au plus tard le 25 de chaque mois.

4. Un registre renseignant toutes les bandes délivrées pour les cigares ou cigarettes, avec l'indication de la date, du nom de celui qui a reçu les bandes et du nombre, de l'espèce et de la date des timbres. Le receveur résidant dans un village est chargé de fournir ces bandes sur leur demande aux receveurs des divers ressorts de son district ou de la mine d'or de sa résidence.

Art. 50. — Le fonctionnaire chargé de la perception des droits d'entrée ou de la surveillance de cette perception, doit timbrer toutes les lettres de voiture et en envoyer immédiatement une copie ou un extrait au bailli du district où est domiciliée la personne qui a reçu les marchandises importées ou de celui où les marchandises doivent être déchargées. Le receveur établi à la frontière est à la disposition du public depuis le lever jusqu'à une heure après le coucher du soleil. Il est libre de 8 à 9 heures du matin et de midi à 1 heure de relevée.

Art. 51. — En cas d'importation de matières inflammables ou explosibles, le receveur doit, conformément à la circulaire n° 307 (Staatscourant du 2 octobre 1889) relative à l'emmagasinage de ces matières, en avertir immédiatement le bailli ou le commissaire des mines de son district ou de la mine de sa résidence.

Art. 52. — Les receveurs ou tous autres fonctionnaires chargés de surveiller la perception des droits d'entrée doivent exiger de toute personne qu'ils trouvent dans leur ressort en possession de marchandises importées et destinées à d'autres personnes habitant dans le même ressort ou dans l'Etat, la présentation des lettres de voiture timbrées, des quittances ou autres documents indiquant la valeur des marchandises. En cas de refus ou s'ils constatent que ces documents n'ont pas été revêtus du timbre par le fonctionnaire désigné à cet effet par le Gouvernement, ils doivent aussitôt faire conduire le conducteur ou le particulier en défaut devant le bailli du district, en informant celui-ci de la contravention; il n'est fait exception à cette procédure que dans le cas où l'intéressé peut présenter le certificat visé à l'article 6. Dans le cas où la contravention se trouve établie, le fonctionnaire est récompensé conformément à la loi.

Art. 53. — Si le Receveur estime ou soupçonne que les prix indiqués pour les marchandises importées sont inférieurs à leur valeur marchande au lieu d'expédition, il peut faire évaluer ces marchandises par deux experts nommés, l'un par le chef du département, l'autre par l'importateur. Ceux-ci doivent, à leur tour, pour le cas où ils ne tomberaient pas d'accord, en nommer un troisième, dont la décision est définitive. Si les experts ne

parviennent pas à s'entendre sur le choix du troisième, celui-ci est nommé par le bailli du district dans lequel les marchandises ont été importées. Si l'importateur ne désigne pas d'expert et que, par suite de cette négligence, l'évaluation ne puisse avoir lieu dans les trois jours qui suivent la notification, la décision de l'expert nommé par le chef du département est considérée comme définitive.

Toute infraction au présent article est punie de la manière suivante; si les deux premiers experts ou le troisième fixent une valeur supérieure de 15 à 25 % à celle déclarée par l'importateur, celui-ci est tenu de payer les droits sur la valeur établie par les experts et, en outre, une amende égale au montant de ces droits; si la valeur d'estimation dépasse de 26 à 50 % la valeur déclarée, l'importateur est soumis, outre les droits sur la valeur fixée par les experts, à une amende égale au triple de ces droits, et, enfin, si l'expertise fixe une valeur supérieure de plus de 50 % à celle déclarée par l'importateur, celui-ci encourt une amende égale au quintuple du montant des droits et les marchandises sont confisquées. En cas de défaut de payement, l'amende est remplacée par l'emprisonnement avec ou sans travail forcé, conformément aux paragraphes *a*, *b* et *c* de l'article 64. L'importateur échappe cependant à toutes ces pénalités s'il peut prouver que le prix qu'il a déclaré est le prix qu'il a réellement payé lui-même.

Art. 54. — Le Receveur doit déposer les marchandises dont il est question à l'article précédent dans l'entrepôt du Gouvernement ou dans tout autre local et les faire garder jusqu'au payement intégral des droits et des frais.

Art. 55. — Les receveurs ont le droit, pour s'assurer de l'exactitude des déclarations, de procéder à l'examen de toutes les marchandises importées et de les faire, à cet effet, décharger des voitures. Ils sont toutefois responsables de tout dommage que les marchandises pourraient subir par suite des opérations de déchargement, etc., et toute personne qui aurait à se plaindre d'un traitement injustifiée de leur part peut immédiatement soumettre le cas au Gouvernement. Si la réclamation est jugée fondée, le Receveur peut encourir une amende n'excédant pas 25 £ et être démis de ses fonctions.

Art. 56. — L'Inspecteur général et tous les receveurs ont le droit, sous leur responsabilité, d'installer des receveurs suppléants jouissant de tous les droits accordés par la présente loi aux receveurs. Cette nomination de suppléant doit être faite par un acte imprimé revêtu de la signature et du sceau du fonctionnaire qui use de cette faculté, suivant une formule annexée à la présente loi.

Art. 57. — Les mêmes fonctionnaires ont le droit d'entrer dans tout entrepôt de marchandises ou d'autres articles, ou dans tout bâtiment ou local où ils soupçonnent l'existence de marchandises et de procéder à la visite de celles-ci.

S'ils découvrent des objets qui n'ont pas payé les droits d'entrée, ils doivent les saisir immédiatement et agir conformément à la loi.

Le propriétaire d'un tel entrepôt est responsable des marchandises y déposées et doit, sans délai, fournir au Receveur tous les renseignements nécessaires relativement aux marchandises découvertes.

Le Receveur a le droit de visiter les vêtements de toute personne soupçonnée d'avoir éludé la loi sur les droits d'entrée. Pour les personnes du sexe féminin, cette visite est faite par une femme.

Art. 58. — Tout fonctionnaire chargé de la perception des droits d'entrée est en même temps, dans l'exercice de ses fonctions, juge de paix.

Art. 59. — Le Gouvernement peut accorder au dénonciateur une part des amendes, qui ne peut cependant pas excéder la moitié des sommes perçues à ce titre.

Art. 60. — Les baillis, les baillis spéciaux, les baillis auxiliaires et les Commissaires des mines sont investis d'une juridiction spéciale pour toutes les infractions à la présente loi. Le Procureur d'État est toutefois compétent pour soumettre immédiatement ces infractions à toute Cour mobile ou à toute Haute Cour de justice de la République.

Art. 61. — Aucune des dispositions de la présente loi relatives aux amendes ne peut exempter le contrevenant de poursuites pénales pour les négligences, omissions ou refus dont il se serait rendu coupable.

Art. 62. — La présente loi ne peut influer en rien sur les traités ou arrangements conclus ou à conclure avec des puissances étrangères.

Art. 63. — Le Président d'État est autorisé, moyennant l'avis et avec le consentement dn Conseil exécutif, de faire des règlements sur des points indiqués dans la présente loi ou sur des objets qui s'y rapportent, ou bien sur l'exécution des dispositions de cette loi, pourvu toutefois que ces règlements ne soient pas en contradiction avec elle ou avec toute autre loi quelconque.

Le Président d'État est autorisé, après avoir entendu le Procureur d'État et l'Inspecteur général, à accepter de tout contrevenant l'amende la plus forte comminée par la présente loi.

Art. 64. — Les infractions aux dispositions de la présente loi sont punies comme suit:

a. Toute infraction aux articles 1, 2, 3, 6, 8, 13, 18, 23, 34, 35, 36 et 57 est punie d'une amende égale au quintuple des droits d'entrée et, en cas de défaut de payement, d'un emprisonnement, avec ou sans travail forcé, qui ne peut excéder 12 mois, ainsi que de la confiscation des marchandises.

b. Les infractions aux articles 9, 10, 11, 19, 22 et 46 entraînent une amende de 500 £ au plus et, en cas de défaut de payement, un emprisonnement, avec ou sans travail forcé, ne pouvant excéder 12 mois.

c. La peine est d'une amende de 50 £ au maximum et, en cas de non payement, d'un emprisonnement avec ou sans travail forcé, d'un mois au plus pour toute contravention aux articles 4, 5, 12, 14, 17, 20, 25 et 37, ainsi que pour toute les autres infractions pour lesquelles il n'est pas établi de pénalité spéciale.

Art. 65. — Toute disposition en contradiction avec la présente loi est abrogée.

Art. 66. — Les articles nouveaux ou modifiés de la présente loi entrent en vigueur le 15 juillet 1894.

(S.) Dr. *W. J. Leyds.*
Secrétaire d'État.

(S.) *S. J. P. Kruger,*
Président d'État.

105.

PORTUGAL, PAYS-BAS.

Convention commerciale signée à Lisbonne le 5 juillet 1894.*)

Publication officielle. Imprensa Nacional, Lisboa 1896.

Déclaration.

En attendant la conclusion d'un traité de commerce et de navigation entre le Portugal et les Pays-Bas établi sur des bases plus amples, le gouvernement de Sa Majesté le Roi de Portugal et des Algarves et le gouvernement de Sa Majesté la Reine des Pays-Bas sont convenus de la déclaration suivante:

Art. 1. — Les produits du sol et de l'industrie des Pays-Bas, mentionnés dans le tarif ci-joint (annexe A), importés directement, payeront en Portugal et aux îles de Madère, de Porto Santo et des Azores les droits fixés par le dit tarif, tous droits additionnels compris.

Art. 2. — Les produits du sol et de l'industrie des Pays-Bas, indiqués par le tableau ci-joint (annexe B), importés directement en Portugal et aux îles de Madère, de Porto Santo et des Azores, n'y seront pas assujettis à des droits autres ni plus élevés, de quelque dénomination que ce soit, que les produits similaires d'une autre nation étrangère.

Art. 3. — Les produits du sol et de l'industrie du Portugal, des îles de Madère, de Porto Santo et des Azores, importés directement dans les Pays-Bas, n'y seront pas assujettis à des droits autres ni plus élevés, de quelque dénomination que ce soit, que les produits similaires d'une autre nation étrangère.

Art. 4. — Pour ce qui concerne l'importation indirecte, le transit, l'exportation, la réexportation et la navigation, les deux gouvernements se garantissent réciproquement le traitement de la nation étrangère la plus favorisée.

Art. 5. — Pour le cas où le gouvernement portugais accorderait en termes généraux à un pays tiers le traitement de la nation la plus favorisée en matière de commerce, ce traitement sera du fait même et sans autre stipulation applicable aux Pays-Bas.

Art. 6. — Les concessions que le Portugal a accordées ou accordera à l'Espagne et au Brésil ne pourront être réclamées par les Pays-Bas comme conséquence de la présente déclaration, mais il est entendu que si le Portugal concédait à quelque autre état le partage des faveurs qu'il aurait accordées à l'Espagne ou au Brésil, les Pays-Bas jouiraient des mêmes faveurs.

Art. 7. — Toutes questions ou tous différends sur l'interprétation ou l'exécution de la présente déclaration, et de même toute autre question qui pourrait surgir entre les deux pays, pourvu qu'elle ne touche ni à leur indépendance ni à leur autonomie, s'ils ne peuvent être réglés à

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*) Les ratifications ont été échangées à la Haye le 22 mai 1896.

l'amiable, seront soumis au jugement de deux arbitres, dont un sera nommé par chacun des deux gouvernements. En cas de différence d'opinion entre les deux arbitres, ceux-ci désigneront de commun accord un troisième qui décidera.

Art. 8. — Cette déclaration restera exécutoire pendant une année après l'échange des ratifications et continuera à être en vigueur jusqu'à l'expiration d'une année à partir du jour où l'un des deux gouvernements l'aura dénoncée.

Le Portugal se réserve la faculté de dénoncer cette déclaration et d'en faire cesser les effets trois mois après, si la limite actuelle de la force alcoolique des vins importés dans les Pays-Bas était abaissée au détriment des vins portugais, ou si ces vins y étaient frappés par des droits d'octroi ou de consommation plus forts que les vins de même nature nationaux ou de toute autre origine, à moins que le gouvernement portugais n'eût consenti à pareil abaissement ou traitement différentiel de la part d'un gouvernement tiers, sans dénoncer la convention de commerce qui le lierait avec ce pays.

Les Pays-Bas font les mêmes réserves pour le cas où le gouvernement portugais traiterait le commerce ou la navigation des Pays-Bas dans les colonies portugaises sur un pied moins favorable que ceux d'un tiers pays.

La déclaration sera soumise dans le plus bref délai à l'approbation de la législature des deux pays, et l'échange des ratifications aura lieu à la Haye aussitôt que faire se pourra.

En foi de quoi les plénipotentiaires, dûment autorisés, ont signé la présente déclaration et y ont apposé leurs cachets.

Fait en double expédition à Lisbonne, le 5 juillet 1894.

(L. S.) *Ernesto Rodolpho Hintze Ribeiro.*
(L. S.) *Carel van Heeckeren.*

Protocole.

Au moment de procéder à la signature de la déclaration conclue à la date de ce jour entre le Portugal et les Pays-Bas, les plénipotentiaires soussignés ont dressé le protocole suivant:

a) Les mots „produits du sol et de l'industrie“ insérés aux articles 1, 2 et 3 doivent être entendus en ce sens, qu'ils s'appliquent non seulement aux produits de la métropole, mais également aux produits des colonies respectives exportés de la métropole.

b) Les dispositions de l'article 4 ne s'appliquent pas aux faveurs par rapport à la navigation consignées dans les traités du Portugal avec la République Sud-Africaine et l'État Libre d'Orange.

c) Les deux gouvernements, se réservant toute liberté d'action au sujet du règlement ultérieur de leurs relations coloniales (en dehors de ce qui a été établi par rapport à leurs possessions dans l'archipel de Timor et Solor), conviennent cependant dès maintenant de ne placer ni les établissements commerciaux de l'un des deux pays qui se trouvent déjà établis dans les colonies de l'autre, ni les entreprises de navigation de l'un

des deux pays qui se trouvent déjà en relations avec les colonies de l'autre, dans une position moins favorable que ceux d'un tiers pays.

d) Le présent protocole, qui sera ratifié en même temps que la déclaration susmentionnée, sera considéré comme faisant partie intégrante de cette déclaration et aura même force, valeur et durée.

Fait en double expédition à Lisbonne, le 5 juillet 1894.

(L. S.) *Ernesto Rodolpho Hintze Ribeiro.*
(L. S.) *Carel van Heeckeren.*

Lisbonne, le 9 février 1895.—Monsieur le ministre.—En admettant le principe d'arbitrage dans nos deux dernières conventions du 10 juin 1893 et du 5 juillet 1894, nous avons adopté deux règles différentes par rapport à la composition des commissions d'arbitrage.

Bien que les dispositions de notre déclaration commerciale du 5 juillet dernier ne dérogent point aux principes de la convention du 10 juin 1893, ni à ceux de la déclaration du 1 juillet 1893 conclues à Lisbonne dans le but de régler les relations coloniales de nos deux pays dans l'archipel de Timor et Solor, le gouvernement royal propose d'établir, dès maintenant, que toute commission d'arbitres à laquelle il y aurait lieu d'avoir recours pendant la durée de la convention commerciale du 5 juillet dernier et en vertu des stipulations de la convention du 10 juin 1893 ou de la déclaration du 1 juillet 1893 susmentionnées, sera composée de deux arbitres qui en cas de différence d'opinion désigneront de commun accord un troisième qui décidera.

Or, il est bien entendu que les dispositions de l'article 7 de la convention susindiquée du 10 juin 1893, qui se rapportent plus particulièrement à la composition de la commission d'arbitres, rentreront en pleine vigueur aussitôt que la déclaration commerciale du 5 juillet dernier cessera ses effets.

En priant votre excellence de bien vouloir me faire savoir si le gouvernement de Sa Majesté Très-Fidèle se rallie à cette proposition, je saisis cette occasion de réitérer à votre excellence les assurances de ma haute considération. — Son excellence mr. Carlos Lobo d'Avila, ministre des affaires étrangères de Sa Majesté Très-Fidèle.

Carel van Heeckeren.

Lisbonne, le 9 février 1895. — Monsieur le ministre. — Par une note en date d'aujourd'hui vous avez bien voulu me soumettre une proposition de votre gouvernement par rapport à la composition de la commission d'arbitrage en vertu des dernières conventions conclues entre le Portugal et les Pays-Bas.

Bien que les dispositions de notre déclaration commerciale du 5 juillet dernier ne dérogent point aux principes de la convention du 10 juin 1893 ni à ceux de la déclaration du 1 juillet 1893, conclues à Lisbonne dans le but de régler les relations coloniales de nos deux pays dans l'archipel de Timor et Solor, le gouvernement de Sa Majesté Très-Fidèle consent à établir, dès maintenant, que toute commission d'arbitres à laquelle il y

aurait lieu d'avoir recours pendant la durée de la convention commerciale du 5 juillet dernier et en vertu des stipulations de la convention du 10 juin 1893, ou de la déclaration du 1 juillet 1893, susmentionnées, sera composée de deux arbitres qui en cas de différence d'opinion désigneront de commun accord un troisième qui décidera.

Il est bien entendu que les dispositions de l'article 7 de la convention susindiquée du 10 juin 1893, qui se rapportent plus particulièrement à la composition de la commission d'arbitres, rentreront en pleine vigueur aussitôt que la déclaration commerciale du 5 juillet dernier cessera ses effets.

Je saisis cette occasion pour vous renouveler l'assurance de ma considération la plus distinguée. — Monsieur le baron Heeckeren de Kell.

Lobo d'Avila.

106.

GRANDE-BRETAGNE, JAPON.

Traité de commerce et de navigation; signé à Londres le 16 juillet 1894.

Parliamentary Papers August 1894. [C.-7548.]

Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, Empress of India, and His Majesty the Emperor of Japan, being equally desirous of maintaining the relations of good understanding which happily exist between them, by extending and increasing the intercourse between their respective States, and being convinced that this object cannot better be accomplished than by revising the Treaties hitherto existing between the two countries, have resolved to complete such a revision, based upon principles of equity and mutual benefit, and, for that purpose, have named as their Plenipotentiaries, that is to say:

Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, Empress of India, the Right Honourable John, Earl of Kimberley, Knight of the Most Noble Order of the Garter, &c., &c., Her Britannic Majesty's Secretary of State for Foreign Affairs;

And His Majesty the Emperor of Japan, Viscount Aoki Siuzo, Junii, first class of the Imperial Order of the Sacred Treasure, His Majesty's Envoy Extraordinary and Minister Plenipotentiary at the Court of St. James';

Who, after having communicated to each other their Full Powers, found to be in good and due form, have agreed upon and concluded the following Articles:—

Art. 1. — The subjects of each the two High Contracting Parties shall have full liberty to enter, travel, or reside in any part of the dominions and possessions of the other Contracting Party, and shall enjoy full and perfect protection for their persons and property.

They shall have free and easy access to the Courts of Justice in pursuit and defence of their rights; they shall be at liberty equally with

native subjects to choose and employ lawyers, advocates, and representatives to pursue and defend their rights before such Courts, and in all other matters connected with the administration of justice they shall enjoy all the rights and privileges enjoyed by native subjects.

In whatever relates to rights of residence and travel; to the possession of goods and effects of any kind; to the succession to personal estate, by will or otherwise, and the disposal of property of any sort in any manner whatsoever which they may lawfully acquire, the subjects of each Contracting Party shall enjoy in the dominions and possessions of the other the same privileges, liberties, and rights, and shall be subject to no higher imposts or charges in these respects than native subjects, or subjects or citizens of the most favoured nation. The subjects of each of the Contracting Parties shall enjoy in the dominions and possessions of the other entire liberty of conscience, and, subject to the Laws, Ordinances, and Regulations, shall enjoy the right of private or public exercise of their worship, and also the right of burying their respective countrymen, according to their religious customs, in such suitable and convenient places as may be established and maintained for that purpose.

They shall not be compelled, under any pretext whatsoever, to pay any charges or taxes other or higher than those that are, or may be, paid by native subjects, or subjects or citizens of the most favoured nation.

Art. 2. — The subjects of either of the Contracting Parties residing in the dominions and possessions of the other shall be exempted from all compulsory military service whatsoever, whether in the army, navy, National Guard, or militia; from all contributions imposed in lieu of personal service; and from all forced loans or military exactions or contributions.

Art. 3. — There shall be reciprocal freedom of commerce and navigation between the dominions and possessions of the two High Contracting Parties.

The subjects of each of the High Contracting Parties may trade in any part of the dominions and possessions of the other by wholesale or retail in all kinds of produce, manufactures, and merchandize of lawful commerce, either in person or by agents, singly, or in partnerships with foreigners or native subjects; and they may there own or hire and occupy the houses, manufactories, warehouses, shops, and premises which may be necessary for them, and lease land for residential and commercial purposes, conforming themselves to the Laws, Police and Customs Regulations of the country like native subjects.

They shall have liberty freely to come with their ships and cargoes to all places, ports, and rivers in the dominions and possessions of the other which are or may be opened to foreign commerce, and shall enjoy, respectively, the same treatment in matters of commerce and navigation as native subjects or citizens of the most favoured nation, without having to pay taxes, imposts, or duties, of whatever nature or under whatever denomination levied in the name or for the profit of the Government, public functionaries, private individuals, Corporations, or establishments of any kind, other or greater than those paid by native subjects, or subjects

or citizens of the most favoured nation, subject always to the Laws, Ordinances, and Regulations of each country.

Art. 4. — The dwellings, manufactories, warehouses, and shops of the subjects of each of the High Contracting Parties in the dominions and possessions of the other, and all premises appertaining thereto destined for purposes of residence or commerce, shall be respected.

It shall not be allowable to proceed to make a search of, or a domiciliary visit to, such dwellings and premises, or to examine or inspect books, papers, or accounts, except under the conditions and with the forms prescribed by the Laws, Ordinances, and Regulations for subjects of the country.

Art. 5. — No other or higher duties shall be imposed on the importation into the dominions and possessions of Her Britannic Majesty of any article, the produce or manufacture of the dominions and possessions of His Majesty the Emperor of Japan, from whatever place arriving; and no other or higher duties shall be imposed on the importation into the dominions and possessions of His Majesty the Emperor of Japan of any article, the produce or manufacture of the dominions and possessions of Her Britannic Majesty, from whatever place arriving, than on the like article produced or manufactured in any other foreign country; nor shall any prohibition be maintained or imposed on the importation of any article, the produce or manufacture of the dominions and possessions of either of the High Contracting Parties, into the dominions and possessions of the other, from whatever place arriving, which shall not equally extend to the importation of the like article, being the produce or manufacture of any other country. This last provision is not applicable to the sanitary and other prohibitions occasioned by the necessity of protecting the safety of persons, or of cattle, or of plants useful to agriculture.

Art. 6. — No other or higher duties or charges shall be imposed in the dominions and possessions of either of the High Contracting Parties on the exportation of any article to the dominions and possessions of the other than such as are, or may be, payable on the exportation of the like article to any other foreign country; nor shall any prohibition be imposed on the exportation of any article from the dominions and possessions of either of the two Contracting Parties to the dominions and possessions of the other which shall not equally extend to the exportation of the like article to any other country.

Art. 7. — The subjects of each of the High Contracting Parties shall enjoy in the dominions and possessions of the other exemption from all transit duties, and a perfect equality of treatment with native subjects in all that relates to warehousing, bounties, facilities, and drawbacks.

Art. 8. — All articles which are or may be legally imported into the ports of the dominions and possessions of His Majesty the Emperor of Japan in Japanese vessels may likewise be imported into those ports in British vessels, without being liable to any other or higher duties or charges of whatever denomination than if such articles were imported in Japanese vessels; and reciprocally, all articles which are or may be legally imported into the ports of the dominions and possessions of Her Britannic Majesty

in British vessels may likewise be imported into those ports in Japanese vessels, without being liable to any other or higher duties or charges of whatever denomination than if such articles were imported in British vessels. Such reciprocal equality of treatment shall take effect without distinction, whether such articles come directly from the place of origin or from any other place.

In the same manner there shall be perfect equality of treatment in regard to exportation, so that the same export duties shall be paid and the same bounties and drawbacks allowed in the dominions and possessions of either of the High Contracting Parties on the exportation of any article which is or may be legally exported therefrom, whether such exportation shall take place in Japanese or in British vessels, and whatever may be the place of destination, whether a port of either of the Contracting Parties or of any third Power.

Art. 9. — No duties of tonnage, harbour, pilotage, lighthouse, quarantine, or other similar or corresponding duties of whatever nature or under whatever denomination, levied in the name or for the profit of the Government, public functionaries, private individuals, Corporations, or establishments of any kind, shall be imposed in the ports of the dominions and possessions of either country upon the vessels of the other country which shall not equally and under the same conditions be imposed in the like cases on national vessels in general or vessels of the most favoured nation. Such equality of treatment shall apply reciprocally to the respective vessels, from whatever port or place they may arrive, and whatever may be their place of destination.

Art. 10. — In all that regards the stationing, loading, and unloading of vessels in the ports, basins, docks, roadsteads, harbours, or rivers of the dominions and possessions of the two countries, no privilege shall be granted to national vessels which shall not be equally granted to vessels of the other country; the intention of the High Contracting Parties being that in this respect also the respective vessels shall be treated on the footing of perfect equality.

Art. 11. — The coasting trade of both the High Contracting Parties is excepted from the provisions of the present Treaty, and shall be regulated according to the Laws, Ordinances, and Regulations of Japan and of Great Britain respectively. It is, however, understood that Japanese subjects in the dominions and possessions of Her Britannic Majesty, and British subjects in the dominions and possessions of His Majesty the Emperor of Japan, shall enjoy in this respect the rights which are or may be granted under such Laws, Ordinances, and Regulations to the subjects or citizens of any other country.

A Japanese vessel laden in a foreign country with cargo destined for two or more ports in the dominions and possessions of Her Britannic Majesty, and a British vessel laden in a foreign country with cargo destined for two or more ports in the dominions and possessions of His Majesty the Emperor of Japan, may discharge a portion of her cargo at one port, and continue her voyage to the other port or ports of destination where foreign trade is permitted, for the purpose of landing the remainder of her original

cargo there, subject always to the Laws and Custom-house Regulations of the two countries.

The Japanese Government, however, agrees to allow British vessels to continue, as heretofore, for the period of the duration of the present Treaty, to carry cargo between the existing open ports of the Empire, excepting to or from the ports of Osaka, Niigata, and Ebisu-minato.

Art. 12. — Any ship of war or merchant-vessel of either of the High Contracting Parties which may be compelled by stress of weather, or by reason of any other distress, to take shelter in a port of the other, shall be at liberty to refit therein, to procure all necessary supplies, and to put to sea again, without paying any dues other than such as would be payable by national vessels. In case, however, the master of a merchant-vessel should be under the necessity of disposing of a part of his cargo in order to defray the expenses, he shall be bound to conform to the Regulations and Tariffs of the place to which he may have come.

If any ship of war or merchant-vessel of one of the Contracting Parties should run aground or be wrecked upon the coasts of the other, the local authorities shall inform the Consul-General, Consul, Vice-Consul, or Consular Agent of the district of the occurrence, or if there be no such Consular officer, they shall inform the Consul-General, Consul, Vice-Consul, or Consular Agent of the nearest district.

All proceedings relative to the salvage of Japanese vessels wrecked or cast on shore in the territorial waters of Her Britannic Majesty shall take place in accordance with the Laws, Ordinances, and Regulations of Great Britain, and reciprocally, all measures of salvage relative to British vessels wrecked or cast on shore in the territorial waters of His Majesty the Emperor of Japan shall take place in accordance with the Laws, Ordinances, and Regulations of Japan.

Such stranded or wrecked ship or vessel, and all parts thereof, and all furnitures and appartenances belonging thereunto, and all goods and merchandize saved therefrom, including those which may have been cast into the sea, or the proceeds thereof, if sold, as well as all papers found on board such stranded or wrecked ship or vessel, shall be given up to the owners or their agents, when claimed by them. If such owners or agents are not on the spot, the same shall be delivered to the respective Consuls-General, Consuls, Vice-Consuls, or Consular Agents upon being claimed by them within the period fixed by the laws of the country, and such Consular officers, owners, or agents shall pay only the expenses incurred in the preservation of the property, together with the salvage or other expenses which would have been payable in the case of a wreck of a national vessel.

The goods and merchandize saved from the wreck shall be exempt from all the duties of the Custems unless cleared for consumption, in which case they shall pay the ordinary duties.

When a ship or vessel belonging to the subjects of one of the Contracting Parties is stranded or wrecked in the territories of the other, the respective Consuls-General, Consuls, Vice-Consuls, and Consular Agents shall be authorized, in case the owner or master, or other agent of the owner, is

not present, to lend their official assistance in order to afford the necessary assistance to the subjects of the respective States. The same rule shall apply in case the owner, master, or other agent is present, but requires such assistance to be given.

Art. 13. — All vessels which, according to Japanese law, are to be deemed Japanese vessels and all vessels which, according to British law, are to be deemed British vessels, shall, for the purposes of this Treaty, be deemed Japanese and British vessels respectively.

Art. 14. — The Consuls-General, Consuls, Vice-Consuls, and Consular Agents of each of the Contracting Parties, residing in the dominions and possessions of the other, shall receive from the local authorities such assistance as can by law be given to them for the recovery of deserters from the vessels of their respective countries.

It is understood that this stipulation shall not apply to the subjects of the country where the desertion takes place.

Art. 15. — The High Contracting Parties agree that, in all that concerns commerce and navigation, any privilege, favour, or immunity which either Contracting Party has actually granted, or may hereafter grant, to the Government, ships, subjects, or citizens of any other State, shall be extended immediately and unconditionally to the Government, ships, subjects, or citizens of the other Contracting Party, it being their intention that the trade and navigation of each country shall be placed, in all respects, by the other on the footing of the most favoured nation.

Art. 16. — Each of the High Contracting Parties may appoint Consuls-General, Consuls, Vice-Consuls, Pro-Consuls, and Consular Agents in all the ports, cities, and places of the other, except in those where it may not be convenient to recognize such officers.

This exception, however, shall not be made in regard to one of the Contracting Parties without being made likewise in regard to every other Power.

The Consuls-General, Consuls, Vice-Consuls, Pro-Consuls, and Consular Agents may exercise all functions, and shall enjoy all privileges, exemptions, and immunities which are, or may hereafter be, granted to Consular officers of the most favoured nation.

Art. 17. — The subjects of each of the High Contracting Parties shall enjoy in the dominions and possessions of the other the same protection as native subjects in regard to patents, trade-marks, and designs, upon fulfilment of the formalities prescribed by law.

Art. 18. — Her Britannic Majesty's Government, so far as they are concerned, give their consent to the following arrangement:—

The several foreign Settlements in Japan shall be incorporated with the respective Japanese Communes, and shall thenceforth form part of the general municipal system of Japan.

The competent Japanese authorities shall thereupon assume all municipal obligations and duties in respect thereof, and the common funds and property, if any, belonging to such Settlements, shall at the same time be transferred to the said Japanese authorities.

When such incorporation takes place the existing leases in perpetuity

under which property is now held in the said Settlements shall be confirmed, and no conditions whatsoever other than those contained in such existing leases shall be imposed in respect of such property. It is, however, understood that the Consular authorities mentioned in the same are in all cases to be replaced by the Japanese authorities.

All lands which may previously have been granted by the Japanese Government free of rent for the public purposes of the said Settlements shall, subject to the right of eminent domain, be permanently reserved free of all taxes and charges for the public purposes for which they were originally set apart.

Art. 19. — The stipulations of the present Treaty shall be applicable, so far as the laws permit, to all the Colonies and foreign possessions of Her Britannic Majesty, excepting to those hereinafter named, that is to say, except to—

India.
The Dominion of Canada.
Newfoundland.
The Cape.
Natal.
New South Wales.
Victoria.
Queensland.
Tasmania.
South Australia.
Western Australia.
New Zealand.

Provided always that the stipulations of the present Treaty shall be made applicable to any of the above-named Colonies or foreign possessions on whose behalf notice to that effect shall have been given to the Japanese Government by Her Britannic Majesty's Representative at Tôkiô within two years from the date of the exchange of ratifications of the present Treaty.

Art. 20. — The present Treaty shall, from the date it comes into force, be substituted in place of the Conventions respectively of the 23rd day of the 8th month of the 7th year of Kayei, corresponding to the 14th day of October, 1854, and of the 13th day of the 5th month of the 2nd year of Keiou, corresponding to the 25th day of June, 1866, the Treaty of the 18th day of the 7th month of the 5th year of Ansei, corresponding to the 26th day of August, 1858, and all Arrangements and Agreements subsidiary thereto concluded or existing between the High Contracting Parties; and from the same date such Conventions, Treaty, Arrangements, and Agreements shall cease to be binding, and, in consequence, the jurisdiction then exercised by British Courts in Japan, and all the exceptional privileges, exemptions, and immunities, then enjoyed by British subjects as a part of or appurtenant to such jurisdiction, shall absolutely and without notice cease and determine, and thereafter all such jurisdiction shall be assumed and exercised by Japanese Courts.

Art. 21. — The present Treaty shall not take effect until at least five years after its signature. It shall come into force one year after His

Imperial Japanese Majesty's Government shall have given notice to Her Britannic Majesty's Government of its wish to have the same brought into operation. Such notice may be given at any time after the expiration of four years from the date hereof. The Treaty shall remain in force for the period of twelve years from the date it goes into operation.

Either High Contracting Party shall have the right, at any time after eleven years shall have elapsed from the date this Treaty takes effect, to give notice to the other of its intention to terminate the same, and at the expiration of twelve months after such notice is given this Treaty shall wholly cease and determine.

Art. 22. — The present Treaty shall be ratified, and the ratifications thereof shall be exchanged at Tôkiô as soon as possible, and not later than six months from the present date.

In witness whereof the respective Plenipotentiaries have signed the same and have affixed thereto the seal of their arms.

Done at London, in duplicate, this sixteenth day of July, in the year of our Lord one thousand eight hundred aud ninety-four.

(L. S.) *Kimberley.*
(L. S.) *Aoki.*

Protocol signed at London, July 16, 1894.

The Government of Her Majesty the Queen of Great Britain and Ireland and Empress of India, and the Government of His Majesty the Emperor of Japan, deeming it advisable in the interests of both countries to regulate certain special matters of mutual concern, apart from the Treaty of Commerce and Navigation signed this day, have, through their respective Plenipotentiaries, agreed upon the following stipulations:—

1. It is agreed by the Contracting Parties that one month after the exchange of the ratifications of the Treaty of Commerce and Navigation signed this day, the Import Tariff hereunto annexed shall, subject to the provisions of Article 23 of the Treaty of 1858 at present subsisting between the Contracting Parties, as long as the said Treaty remains in force and thereafter, subject to the provisions of Articles 5 and 15 of the Treaty signed this day, be applicable to the articles therein enumerated, being the growth, produce, or manufacture of the dominions and possessions of Her Britannic Majesty, upon importation into Japan. But nothing contained in this Protocol, or the Tariff hereunto annexed, shall be held to limit or qualify the right of the Japanese Government to restrict or to prohibit the importation of adulterated drugs, medicines, food, or beverages; indecent or obscene prints, paintings, books, cards, lithographic or other engravings, photographs, or any other indecent or obscene articles; articles in violation of patent, trade-mark, or copyright laws of Japan; or any other article which for sanitary reasons, or in view of public security or morals, might offer any danger.

The ad valorem duties established by the said Tariff shall, so far as may be deemed practicable, be converted into specific duties by a Supplementary Convention, which shall be concluded between the two

Governments within six months from the date of this Protocol; the medium prices, as shown by the Japanese Customs Returns during the six calendar months preceding the date of the present Protocol, with the addition of the cost of insurance and transportation from the place of purchase, production, or fabrication, to the port of discharge, as well as commission, if any, shall be taken as the basis for such conversion. In the event of the Supplementary Convention not having come into force before the expiration of the period fixed for the said Tariff to take effect, ad valorem duties in conformity with the rule recited at the end of the said Tariff shall, in the meantime, be levied.

In respect of articles not enumerated in the said Tariff, the General Statutory Tariff of Japan for the time being in force shall, from the same time, apply, subject, as aforesaid, to the provisions of Article 23 of the Treaty of 1858 and Articles 5 and 15 of the Treaty signed this day respectively.

From the date the Tariffs aforesaid take effect, the Import Tariff now in operation in Japan in respect of goods and merchandize imported into Japan by British subjects shall cease to be binding.

In all other respects the stipulations of the existing Treaties and Conventions shall be maintained unconditionally until the time when the Treaty of Commerce and Navigation signed this day comes into force.

2. The Japanese Government, pending the opening of the country to British subjects, agrees to extend the existing passport system in such a manner as to allow British subjects, on the production of a certificate of recommendation from the British Representative in Tôkiô, or from any of Her Majesty's Consuls at the open ports in Japan, to obtain upon application passports available for any part of the country, and for any period not exceeding twelve months, from the Imperial Japanese Foreign Office in Tôkiô, or from the chief authorities in the Prefecture in which an open port is situated; it being understood that the existing Rules and Regulations governing British subjects who visit the interior of the Empire are to be maintained.

3. The Japanese Government undertakes, before the cessation of British Consular jurisdiction in Japan, to join the International Conventions for the Protection of Industrial Property and Copyright.

4. It is understood between the two High Contracting Parties that, if Japan think it necessary at any time to levy an additional duty on the production or manufacture of refined sugar in Japan, an increased customs duty equivalent in amount may be levied on British refined sugar when imported into Japan, so long as such additional excise tax or inland duty continues to be raised.

Provided always that British refined sugar shall in this respect be entitled to the treatment accorded to refined sugar being the produce or manufacture of the most favoured nation.

5. The undersigned Plenipotentiaries have agreed that this Protocol shall be submitted to the two High Contracting Parties at the same time as the Treaty of Commerce and Navigation signed this day, and that when the said Treaty is ratified the agreements contained in the Protocol shall

also equally be considered as approved, without the necessity of a further formal ratification.

It is also agreed that this Protocol shall terminate at the same time the said Treaty ceases to be binding.

In witness whereof the respective Plenipotentiaries have signed the same, and have affixed thereto the seal of their arms.

Done at London, in duplicate, this sixteenth day of July, in the year of our Lord one thousand eight hundred and ninety-four.

(L. S.) *Kimberley.*
(L. S.) *Aoki.*

Annex. (Tariff.)

Articles.	Ad valorem Rates of Duty.
	Per cent
Caoutchouk, manufactures of	10
Cement, Portland	5
Cotton—	
Yarns	8
Tissues of all sorts, plain or mixed with tissues of flax, hemp, or other fibre, including wool, the cotton, however, predominating	10
Glass, window, ordinary—	
(*a.*) Uncoloured and unstained	8
(*b.*) Coloured, stained, or ground	10
Hats, including also hats of felt	10
Indigo, dry	10
Iron and steel—	
Pig and ingot	5
Rails	5
Bar, rod, plate, and sheet	$7^1/_2$
Tinned plates	10
Galvanized sheet	10
Pipes and tubes	10
Lead, pig, ingot, and slab	5
Leather—	
Sole	15
Other kinds	10
Linen—	
Yarns	8
Tissues	10
Mercury or quicksilver	5
Milk, condensed or desiccated	5
Nails, iron	10
Oil, paraffin	10
Paint in oil	10
Paper, printing	10
Refined sugar	10
Saltpetre	5
Screws, bolts, and nuts, iron	10
Silk, satins, and silk and cotton mixtures	15

Articles	Ad valorem Rates of Duty.
	Per cent.
Tin—	
Block, pig, and slab	5
Plates	10
Wax, paraffin	5
Wire—	
Telegraph	5
Iron and steel, and small rod iron and steel not exceeding $^1/_4$ inch in diameter	10
Wollen and worsted—	
Yarns	8
Tissues of all sorts, plain or mixed with other material, the wool, however, predominating	10
Yarns of all sorts, not specially provided for	10
Zinc—	
Block, pig, and slab	5
Sheet	$7^1/_2$

Rule for calculating ad valorem Duties.

Import duties payable ad valorem under this Tariff shall be calculated on the actual cost of the articles at the place of purchase, production, or fabrication, with the addition of the cost of insurance and transportation from the place of purchase, production, or fabrication, to the port of discharge, as well as commission, if any exists.

The Earl of Kimberley to Viscount Aoki.

Sir, Foreign Office, July 16, 1894.

With reference to Article XIX of the Treaty between Great Britain and Japan signed this day, in view of the fact that some of the British Colonies and foreign possessions enumerated in that Article might be prevented from acceding to the present Treaty by reason of their inability to accept the stipulations relating to military service contained in Article 2 of the said Treaty, and in order to avoid future misunderstandings, Her Majesty's Government request from the Government of Japan an assurance that any of the said British Colonies and possessions may accede to the present Treaty under the condition that, notwithstanding such accession, they shall not be bound by the stipulations of Article 2.

I have, &c.
(Signed) *Kimberley.*

Viscount Aoki to the Earl of Kimberley.

M. le Comte, Japanese Legation, London, July 16, 1894.

In reply to the note of Her Majesty's Government, referring to Article 19 of the Treaty between Great Britain and Japan signed this day, and requesting, for the reasons given in the said note, an assurance that

any of the British Colonies and foreign possessions enumerated in that Article may accede to the present Treaty under the condition that, notwithstanding such accession, they shall not be bound by the stipulations of Article 2, the Government of Japan hereby give the assurance desired.

I have, &c.

(Signed) *Aoki.*

Viscount Aoki to the Earl of Kimberley.

The Undersigned, Envoy Extraordinary and Minister Plenipotentiary of His Majesty the Emperor of Japan, in virtue of special authorization from His Imperial Japanese Majesty's Government, has the honour to announce to Her Britannic Majesty's Principal Secretary of State for Foreign Affairs that the Imperial Japanese Government, recognizing the advantage of having the Codes of the Empire which have already been promulgated in actual operation when the Treaty stipulations at present subsisting between the Government of Japan and that of Great Britain cease to be binding, engage not to give the notice provided for by the first paragraph of Article 21 of the Treaty of Commerce and Navigation, signed this day, until those portions of said Codes which are now in abeyance are brought into actual force.

The Undersigned avails himself of this opportunity to renew to the Earl of Kimberley the assurance of his highest consideration.

(Signed) *Aoki.*

Japanese Legation, London,
July 16, 1894.

107.

ITALIE.

Loi sur les brevets d'invention du 4 août 1894.

Raccolta ufficiale delle leggi e dei decreti del Regno, 1894, No. 376.

Legge che modifica quella del 30 ottobre 1859, n. 3731 sulle privative industriali.

4 agosto 1894.

Umberto I per grazia di dio e per volontà della nazione re d'Italia.

Il Senato e la Camera dei deputati hanno approvato; Noi abbiamo sanxionato e promulghiamo quanto segue:

Art. 1. — Sono abrogati gli art. 51, 53, 54 e 55 della legge 30 ottobre 1859, n. 3731, sulle privative industriali e sostituiti dai seguenti:

Art. 51. — Chi desidera che se ne estragga qualche notizia, ne farà apposita domanda al Ministero in carta da bollo e la notizia sarà trasmessa in carta bollata fornita dal richiedente senza alcuna spesa. La domanda

e la trasmissione delle notizie verranno fatte a mezzo della locale autorità amministrativa.

Art. 53. — Ogni mese sarà pubblicato nella Gazzetta Ufficiale l'elenco ordinato per materia degli attestati rilasciati nel mese precedente, coll'indicazione dell'oggetto della privativa.

Art. 54. — L'amministrazione potrà far pubblicare dopo trascorsi i tre mesi di cui all'art. 52 un riassunto delle invenzioni, che ne indichi le principali caratteristiche nonchè dei cataloghi analitici ed alfabetici per facilitare le ricerche agli inventori.

Art. 55. — Un estratto di detti elenchi contenenti la indicazione dell'oggetto della privativa sarà inviato a ciascuna prefettura del Regno ed a ciascuna camera di commercio, nella cui segreteria potrà da ciascuno essere consultato.

Disposizioni transitorie.

Art. 2. — La pubblicazione del Bollettino delle privative cesserà colla pubblicazione degli attestati rilasciati a tutto dicembre 1892.

Ordiniamo che la presente, munita del sigillo dello Stato, sia inserta nella raccolta ufficiale delle leggi e dei decreti del Regno d'Italia, mandando a chiunque spetti di osservarla e di farla osservare come legge dello Stato.

Data a Monza, addì 4 agosto 1894.

Umberto

(Luogo del Sigillo) V. Il Guardasigilli
V. Calenda. *A. Barazzuoli.*

108.

PAYS-BAS, VÉNÉZUÉLA.

Arrangement concernant le rétablissement des relations diplomatiques; signé à La Haye la 20 août 1894.

Staatsblad van het Koningrijk der Nederlanden, 1895, No. 8.

Protocole.

Le Gouvernement de Sa Majesté la Reine des Pays-Bas et le Gouvernement des Etats-Unis de Vénézuéla, étant tous deux animés du sincère désir de rétablir les relations diplomatiques entre les deux Pays, sont convenus de ce qui suit:

Les réclamations formulées de part et d'autre, en 1875, donnèrent lieu à cette époque à une discussion, qui n'a malheureusement pu aboutir, et qui s'est terminée par la rupture des relations diplomatiques.

Depuis lors, les Pays-Bas et le Vénézuéla, étant entrés dans la voie des concessions mutuelles, ont, de leur propre gré, supprimé toutes les causes de divergence entre les deux Pays.

De son côté, le Gouvernement de la Reine constate qu'il s'est empressé de communiquer au Gouvernement Vénézuélien, dans sa dépêche du 6 juillet 1889, le résultat de l'enquête rigoureuse à laquelle il fut officiellement procédé à Curaçao, relativement aux faits qui avaient provoqué les réclamations susmentionnées des Etats-Unis de Vénézuéla.

Quant au Gouvernement Vénézuélien, sans admettre nullement que ses réclamations ne fussent pas fondées, et sans vouloir, par cela, établir un précédent qui pourrait être invoqué à l'avenir, concède à ne plus insister sur les demandes antérieures.

Or les motifs de désaccord n'existant donc plus actuellement et les deux Gouvernements étant animés du vif désir d'écarter tout ce qui serait de nature à entraver le rétablissement immédiat des relations diplomatiques, malheureusement interrompues à la suite d'évènements éloignés dont le souvenir tend à s'effacer complètement, sont convenus de clore définitivement la discussion et l'examen de toutes les anciennes questions en litige.

En outre, le Gouvernement Néerlandais désirant donner au Gouvernement Vénézuélien une preuve de la vive satisfaction que lui cause la haute mission amicale de Monsieur le Général Francisco Tosta Garcia, manifeste de nouveau son intention d'empêcher par tous les moyens en son pouvoir tout complot, atteinte ou autre actes contraire à l'ordre public au Vénézuéla, dérogeant aux principes de la plus tricte neutralité envers le Gouvernement constitué du dit Pays, conformément aux règles établies par le droit des gens, et il renouvellera en ce sens aux autorités de ses Colonies de Curaçao, Bonaire, Aruba, St. Martin, St. Eustache et Saba les instructions formelles existant à cet effet.

En conséquence les soussignés, le jonkheer Jean Röell, Ministre des Affaires Etrangères de Sa Majesté la Reine des Pays-Bas, et Monsieur le Général Francisco Tosta Garcia, délégué spécial du Gouvernement des Etats-Unis de Vénézuéla, dûment autorisés par Sa Majesté la Reine-Régente du Royaume et par le Gouvernement des Etats-Unis de Vénézuéla, ont apposé leurs signatures au présent protocole, lequel sera soumis à la ratification des pouvoirs compétents.

Fait, en double, à la Haye le 20 août 1894.

(L.S.) *J. Röell.* (L.S.) *F. Tosta Garcia.*

109.

JAPON.

Ordonnance relative aux prises maritimes, du 24 août 1894.

Archives diplomatiques 1895.

Chapitre Premier.

Organisation et compétence du Conseil d'examen des prises et du Conseil supérieur d'examen des prises.

Art. 1. — Le Conseil d'examen des prises, en première instance, et le Conseil supérieur d'examen des prises, en deuxième instance, connaitront des affaires de prises.

Le Conseil d'examen des prises sera composé d'un Juge-président et de six juges assesseurs.

Le juge-président sera choisi parmi les juges à la Cour d'appel.

Les assesseurs se composeront d'un officier de marine, de deux juges, d'un shin-ri (juge au Ministère de la Marine), d'un conseiller au Bureau de législation, d'un conseiller ou d'un secrétaire au Ministère des Affaires Etrangères.

Art. 3. — Le Conseil supérieur d'examen des prises sera composé d'un juge-président et de huit juges-assesseurs.

Le juge-président sera un conseiller privé, les juges-assesseurs se composeront d'un Conseiller privé, de deux Amiraux, de trois juges à la Cour de cassation, du Directeur du Bureau de législation et du Directeur des Affaires politiques au Ministère des Affaires Etrangères.

Art. 4. — Les Juges-présidents du Conseil d'examen des prises et du Conseil supérieur d'examen des prises seront chargés de la Direction générale des affaires, chacun dans leur ressort respectif.

En cas d'empêchement à remplir leurs fonctions, les Juges-présidents nommeront pour les remplacer, chacun dans leur fonction respective, un juge assesseur du Conseil des prises.

Art. 5. — Deux Commissaires du Gouvernement seront nommés tant au Conseil des prises qu'au Conseil supérieur des prises.

Au Conseil des prises, les Commissaires du Gouvernement seront des Procureurs Généraux et au Conseil supérieur des prises des Magistrats Supérieurs de l'Exécutif.

Art. 6. — Les Juges-présidents, les Juges-assesseurs, les Commissaires du Gouvernement du Conseil des prises et du Conseil supérieur des prises, seront nommés (par décret impérial) sur la présentation du Président du Conseil des Ministres.

Art. 7. — Des Secrétaires seront nommés tant au Conseil des prises qu'au Conseil supérieur des prises; ils auront le rang de „Hannin“ et leur nomination dépendra des Présidents de chaque Conseil.

Art. 8. — Au Conseil des prises, les décisions devront être portées par cinq membres, au moins, composés de la réunion d'un Juge-président et de Juges-assesseurs, et au Conseil supérieur des prises par sept membres au moins, composés également du Juge-président et de Juges-assesseurs.

Art. 9. — Une ordonnance impériale spéciale déterminera l'époque de l'ouverture et de la clôture du Conseil des prises et du Conseil supérieur des prises.

Le Conseil supérieur des prises siègera à Tokio.

Le Conseil des prises siègera dans le local qui lui sera désigné par ordonnance impériale.

Chapitre II.

Procédure du Conseil d'examen des prises.

Art. 10. — Le Commandant du bateau de guerre qui a opéré une prise, se rendra avec le bateau capturé au port où se trouve le Conseil des prises ou bien il déléguera un de ses officiers qui, s'embarquant sur le bateau capturé, le conduira au port. Dès l'arrivée, l'officier conducteur de la prise (soit le Commandant, soit le Délégué) adressera au Conseil des prises un rapport relatant les faits.

Dans ce rapport seront mentionnés les circonstances, et en général tous les faits qui justifient la légalité de la capture.

Au rapport devront être joints, pour être transmis en même temps, les papiers de bord et autres documents et pièces qui auront été reçus du capitaine et de l'équipage du bâtiment capturé.

Art. 11. — Après que le Juge-président du Conseil des prises aura reçu le rapport circonstancié mentionné dans l'article 10, un Juge-assesseur sera désigné qui aura la responsabilité de l'affaire.

Le Juge-assesseur responsable aura à procéder immédiatement, en présence du Commandant conducteur du bâtimeut capturé ou de son Délégué et de l'ancien Capitaine dudit bâtiment, à l'ouverture des documents dont inventaire sera fait.

Art. 12. — Le Juge-assesseur responsable procèdera à l'interrogatoire du Commandant et de l'équipage du bâtiment capturé et, s'il le juge nécessaire, à l'interrogatoire de l'équipage du bâtiment capteur et à celui des passagers qui se trouveraient dans le bâtiment capté.

Des secrétaires seront chargés de noter ces interrogatoires.

Art. 13. — Lorsque le Juge-assesseur responsable aura terminé l'examen des faits qu'il juge nécessaires pour décider s'il faut prendre tout ou partie de la prise, ou si la prise (considérée comme non valide) doit être renvoyée, il aura à dresser un mémoire justificatif de sa décision et à le transmettre aux Commissaires du Gouvernement au Conseil des prises en y joignant le rapport circonstancié mentionné dans l'article 10 et les documents divers se rapportant audit rapport.

Art. 14. — Les Commissaires du Gouvernement écriront un rapport contenant leur opinion relativement à la décision prise.

Ils transmettront ce rapport au Conseil des prises en y joignant tous les documents qui leur seront parvenus.

Si les Commissaires du Gouvernement le jugent nécessaire pour écrire le rapport contenant leur opinion, ils peuvent demander aux Juges-assesseurs une enquête supplémentaire sur des points qu'ils leur désigneront.

Art. 15. — Lorsque les Commissaires du Gouvernement déclareront dans le rapport contenant leur opinion que les bâtiments capturés doivent être immédiatement renvoyés en liberté, et dans le cas où cela est jugé légitime par le Conseil des prises, ledit Conseil aura à préparer un rapport concluant à la mise en liberté immédiate est le transmettre aux Commissaires du Gouvernement.

Art. 16. — Dans le cas où le rapport, contenant l'opinion des Commissaires du Gouvernement, conclut à la validité de la prise et dans le cas (aussi) où le Conseil des prises aura jugé qu'il n'y a pas lieu de conclure à la libération immédiate du bâtiment capturé, telle qu'elle a été demandée dans le rapport contenant l'opinion des commissaires du Gouvernement, le Conseil des prises adoptera la procédure de l'avertissement public.

Cet avertissement sera inséré dans le Journal Officiel. Quiconque jugera ses intérêts lésés par la décision concluant à la validité de la prise peut envoyer une pétition écrite dans le délai de trente jours à compter du jour qui suit l'insertion de l'avertissement public.

Si dans le délai prescrit dans la clause ci-dessus, aucun réclamant ne s'est présenté, le Conseil des prises commencera immédiatement la procédure du jugement et de l'examen des prises.

Toutefois, à la requête des commissaires du Gouvernement, le Conseil des prises peut, passant outre sur la procédure spéciale d'enquête, établir immédiatement le jugement qui devra être transmis aux commissaires du Gouvernement.

Art. 17. — La pétition écrite contiendra tous les points nécessaires; on y joindra, en l'envoyant (au Conseil), tout ce qui pourra servir de documents ou de preuves.

Art. 18. — Lorsqu'une pétition écrite aura été présentée, dans le délai prescrit par l'article 16, il sera procédé à une enquête verbale dont le jour et l'heure seront fixés.

Les commissaires du Gouvernement et le pétitionnaire y seront respectivement entendus.

Le pétitionnaire pourra, toutefois, faire choix pour le représenter d'un avocat de l'Empire.

L'enquête verbale terminée, le jugement peut être notifié soit immédiatement, soit à une époque désignée.

Toutefois si le pétitionnaire fait défaut, le jugement ne sera pas remis à une date ultérieure.

Art. 19. — Lorsque le Conseil des prises, dans l'intervalle qui précède la notification du jugement, juge nécessaire de faire un nouvel examen des témoignages, il peut charger un juge-assesseur investi des pouvoirs nécessaires d'y procéder.

Les commissaires du Gouvernement et le pétitionnaire peuvent, dans l'intervalle qui précède la notification du jugement, présenter de nouveaux renseignements ou témoignages.

Art. 20. — En outre de ce qui est spécifié dans les articles précé-

dents le Conseil des prises peut établir des règles relativement à la procédure d'examen et de jugement du Conseil des prises.

Art. 21. — Les commissaires du Gouvernement et le pétitionnaire peuvent en appeler au Conseil supérieur des prises, des décisions rendues par le Conseil des prises.

Art. 22. — Le délai d'appel sera limité à vingt jours à compter du jour qui suit le prononcé du jugement.

Art. 23. — L'appel se fera en transmettant les documents d'appel au Conseil des prises.

Dans ces documents d'appel, les points principaux relatifs à l'appel et les raisons qui le motivent seront mentionnés en détail.

La signature d'un avocat de l'Empire sera exigée sur les documents d'appel du pétitionnaire.

Art. 24. — Le Conseil des prises fera préparer une copie du document d'appel du commissaire du Gouvernement pour en faire prendre connaissance au pétitionnaire; à son tour, le commissaire du Gouvernement prendra connaissance de la copie du document d'appel du pétitionnaire. — Les échanges respectifs de réponses écrites (du commissaire au pétitionnaire et vice versa) se feront dans le délai de dix jours.

La réponse écrite du pétitionnaire nécessitera la signature d'un avocat de l'Empire.

Art. 25. — Après l'expiration du délai fixé pour les échanges de réponses écrites (du commissaire du Gouvernement au pétitionnaire et vice versa), le Conseil des prises transmettra les documents d'appel au Conseil supérieur des prises.

En cas où le Conseil supérieur des prises jugera nécessaire de procéder à un nouvel examen des témoignages ou faits, il renverra au Conseil des prises les documents désignés dans la clause précédente, en le chargeant de procéder à nouveau au dit examen.

Le Conseil des prises chargera un juge-assesseur de procéder au dit examen; après quoi, les divers documents (de l'enquête nouvelle) seront montrés aux commissaires du Gouvernement et au pétitionnaire, avant d'être transmis au Conseil supérieur des prises.

Art. 26. — Le Conseil supérieur des prises établira son jugement d'après les documents.

Art. 27. — Les règles relatives à la procédure d'examen et de jugement du Conseil supérieur des prises seront déterminées par ledit Conseil.

Art. 28. — Les articles déclarés prises appartiendront à l'Etat.

Art. 29. — Les bâtiments capturés et objets chargés sur les dits bâtiments seront confiés aux soins d'officiers de marine désignés par le Ministre de la marine jusqu'au prononcé définitif du jugement.

Art. 30. — Les commissaires du Gouvernement au Conseil des prises sont chargés de la mise en vigueur des jugements. Les dits commissaires, pour assurer cette mise en vigueur, peuvent avoir recours à l'aide d'officiers de marine ou d'officiers de police.

Art. 31. — Dans les cas mêmes où, par suite de circonstances spéciales,

la capture du bâtiment n'aurait pu être effectuée, les règles mentionnées dans les deux chapitres ci-dessus, auront force de loi dans toutes les limites où elles peuvent être applicables.

Art. 31. Supplément. — La présente ordonnance est applicable à partir du jour de sa promulgation.

110.

ÉTATS-UNIS D'AMÉRIQUE.

Proclamation accordant grâce et amnistie aux Mormons; signée à Washington le 25 septembre 1894.

Proclamations of the President of the United States.

By the President of the United States of America.

A Proclamation.

Whereas Congress by a statute approved March 22d 1882, and by statutes in furtherance and amendment thereof, defined the crimes of bigamy, polygamy and unlawful cohabitation in the Territories and other places within the exclusive jurisdiction of the United States, and prescribed a penalty for such crimes; and

Whereas, on or about the sixth day of October, 1890, the Church of the Latter Day Saints, commonly known as the Mormon Church, through its President, issued a manifesto proclaiming the purpose of said Church no longer to sanction the practice of polygamous marriages and calling upon all members and adherents of said Church to obey the laws of the United States in reference to said subject matter; and

Whereas on the fourth day of January, A. D. 1893, Benjamin Harrison, then President of the United States, did declare and grant a full pardon and amnesty to certain offenders under said acts upon condition of future obedience to their requirements as is fully set forth in said proclamation of amnesty and pardon; and

Whereas upon the evidence now furnished me I am satisfied that the members and adherents of said Church generally abstain from plural marriages and polygamous cohabitation and are now living in obedience to the laws, and that the time has now arrived when the interests of public justice and morality will be promoted by the granting of amnesty and pardon to all such offenders as have complied with the conditions, of said proclamation, including such of said offenders as have been convicted under the provisions of said act,

Now Therefore, I, Grover Cleveland, President of the United States, by virtue of the powers in me vested, do hereby declare and grant a full amnesty and pardon to all persons who have in violation of said acts committed either of the offences of polygamy, bigamy, adultery or unlawful cohabitation under the color of polygamous or plural marriage, or who,

having been convicted of violations of said acts, are now suffering deprivation of civil rights in consequence of the same, excepting all persons who have not complied with the conditions contained in said executive proclamation of January the fourth, 1893.

In witness whereof I have hereunto set my hand and caused the seal of the United States to be affixed.

Done at the city of Washington this 25th day of September in the year of our Lord, one thousand eight hundred ninety four, and
(Seal) of the independence of the United States the one hundred and nineteenth.

Grover Cleveland.

By the President
W. Q. Gresham
Secretary of State.

111.

SUÈDE.

Loi concernant l'acquisition et la perte de la nationalité; du 1er octobre 1894.

Publication officielle communiquée à la Rédaction du Recueil Martens par le Ministère des Affaires étrangères du Royaume de Suède. Kungl. Boktryckeriet Stockholm 1894.

Übersetzung.

Gesetz betreffend den Erwerb und Verlust der Staatsangehörigkeit; gegeben im Schloss zu Stockholm am 1. Oktober 1894.

Wir Oscar, von Gottes Gnaden, König von Schweden, Norwegen, der Gothen und Wenden, thuen zu wissen, dass Wir, mit dem Reichstage, für gut befunden haben, festzusetzen und zu verordnen, was folgt:

§ 1. Die schwedische Staatsangehörigkeit wird durch Geburt erworben von ehelichen Kindern, deren Vater die schwedische Staatsangehörigkeit besitzt.

§ 2. Ein Ausländer oder eine unverheirathete Ausländerin, welche im Reiche geboren sind und hier ihren Wohnsitz ununterbrochen bis zum erreichten zwei und zwanzigsten Lebensjahre gehabt haben, werden schwedische Staatsangehörige, sofern nicht der Ausländer oder die Ausländerin im Verlaufe des letzten Jahres bei der Königlichen Provinzial-Regierung mittelst einer schriftlich abgegebenen Erklärung auf das Recht der schwedischen Staatsangehörigkeit verzichtet und dabei ausserdem durch amtliche Zeugnisse nachgewiesen haben, dass sie in einem anderen Lande die Staatsangehörigkeit besitzen. Das obengenannte Recht auf den Verzicht kommt nicht demjenigen zu, welcher von einem Ausländer geboren ist, der selbst von diesem Recht Gebrauch gemacht hat.

Wenn die schwedische Staatsangehörigkeit auf Grund dieses § von

einem Ausländer erworben wird, so fällt diese Staatsangehörigkeit auch seiner Ehefrau und seinen ehelichen Kindern zu.

§ 3. Eine Ausländerin, welche sich mit einem schwedischen Staatsangehörigen verheirathet, erwirbt durch die Verheirathung die schwedische Staatsangehörigkeit.

Haben die Ehegatten vor der Verheirathung Kinder miteinander, so werden die Kinder, sofern sie noch im unmündigen Alter stehen, gleichfalls schwedische Staatsangehörige.

§ 4. Die schwedische Staatsangehörigkeit wird ferner durch Naturalisation in der Ordnung und unter den Bedingungen erworben, welche durch besonderes Gesetz bestimmt sind.

Die Naturalisation eines Ausländers schliesst zugleich, wenn dabei nicht anderweitige Bestimmungen getroffen werden, auch für seine Ehefrau und seine unmündigen ehelichen Kinder die schwedische Staatsangehörigkeit ein.

§ 5. Die schwedische Staatsangehörigkeit geht verloren durch den Erwerb der Staatsangehörigkeit in einem anderen Lande.

Wünscht Jemand, um die Staatsangehörigkeit im Auslande zu erwerben, von seinen staatsbürgerlichen Pflichten gegen Schweden entbunden zu werden, so hat er zu diesem Zwecke ein Gesuch an den König zu richten. Wird das Gesuch genehmigt, so soll dabei als Bedingung gelten, dass der Gesuchsteller innerhalb einer angegebenen gewissen Zeit die Staatsangehörigkeit in einem anderen Lande erworben hat.

§ 6. Eine Schwedin, welche sich mit einem Manne verheirathet, der die schwedische Staatsangehörigkeit nicht besitzt, verliert durch die Verheirathung die schwedische Staatsangehörigkeit.

Haben die Eheleute vor der Verheirathung Kinder mit einander gehabt und sind dieselben zu der Zeit, wo die Eltern die Ehe mit einander eingehen, noch unmündig, so verlieren die Kinder gleichfalls die schwedische Staatsangehörigkeit. Haben dieselben aber zu dem besagten Zeitpunkte das Alter der Mündigkeit erreicht, so behalten sie ihre schwedische Staatsangehörigkeit.

§ 7. Hat ein Schwede oder eine unverheirathete Schwedin nach dem vollendeten ein und zwanzigsten Lebensjahre oder eine Wittwe nach Auflösung der Ehe zehn Jahre lang ununterbrochen ihren Wohnsitz im Auslande gehabt, so verlieren dieselben gleichfalls die Staatsangehörigkeit, wenn nicht ihr Aufenthalt im Auslande durch einen öffentlichen Auftrag für die Vereinigten Reiche oder für Schweden veranlasst ist oder wenn sie sich nicht die Beibehaltung der Staatsangehörigkeit durch eine vor Ablauf der genannten Zeit bei einer schwedischen Gesandtschaft oder einem schwedischen Consulate, oder, wenn die Betreffenden in Norwegen ansässig sind, bei dem schwedischen Justizministerium in Übereinstimmung mit den hierüber allerhöchsterseits erlassenen besonderen Bestimmungen abgegebene schriftliche Erklärung vorbehalten haben. Eine solche Erklärung ist, um fortdauernd Gültigkeit zu haben, vor Ablauf jedes zehnten Jahres zu erneuern; dieselbe kann, wenn sie gesetzliche Wirkung haben soll, nur von demjenigen abgegeben werden, welcher selbst vom Reiche in das Ausland

verzogen ist, sowie von seinen Nachkommen im ersten Gliede und von der Wittwe einer solchen Person, wie sie soeben bezeichnet ist.

Der Verlust der Staatsangehörigkeit, welcher nach diesem § für einen Schweden eintritt, führt auch den Verlust derselben für seine Ehefrau und seine unmündigen ehelichen Kinder mit sich, sofern sie nicht im Reiche zurückbleiben.

Der König kann durch Übereinkommen mit fremden Staaten die Anwendung der oben in diesem § enthaltenen Bestimmungen einschränken oder aufheben, soweit sie das Verhältniss zu einem solchen Staate angeht.

§ 8. Derjenige, welcher in Folge der Bestimmungen des § 7 die schwedische Staatsangehörigkeit verloren und keine fremde Staatsangehörigkeit erworben hat, kann dieselbe wiedererlangen, wenn er seinen Wohnsitz im Reiche nimmt, oder wenn der König die Wiedererwerbung seiner Staatsangehörigkeit ohnedem genehmigt.

Wird von einem Manne auf Grund des vorstehenden Punktes die schwedische Staatsangehörigkeit wieder erworben, so kommt dieselbe auch seiner Ehefrau und seinen unmündigen ehelichen Kindern zu, selbst wenn sie ihren Wohnsitz im Auslande behalten.

§ 9. Uneheliche Kinder, deren Mutter schwedische Staatsangehörige ist, erwerben durch Geburt die schwedische Staatsangehörigkeit. Sie folgen, was die Frage der Staatsangehörigkeit anbetrifft, der Mutter ebenso in den übrigen Fällen, wo nach den Bestimmungen dieses Gesetzes eheliche Kinder dem Vater folgen. Verändert sich der Stand der Mutter hinsichtlich der Staatsangehörigkeit durch Verheirathung mit einem anderen Manne als dem Vater, so tritt dadurch eine Änderung in dem Rechte der Staatsangehörigkeit, welches ihren unehelichen Kindern vorher zustand, nicht ein.

§ 10. Kinder, welche hier im Reiche angetroffen werden, ohne dass sich eine Auskunft über ihre Staatsangehörigkeit gewinnen lässt, sind als schwedische Staatsangehörige anzusehen, bis Anderes festgestellt wird.

Übergangsbestimmungen.

Dieses Gesetz tritt am 1. Januar 1895 in Kraft; die im § 2 erlassenen Bestimmungen kommen auch bezüglich der vor der genannten Zeit geborenen Ausländer in Anwendung, insoweit dieselben dann das ein und zwanzigste Lebensjahr noch nicht erreicht haben.

Hiernach haben Alle, die es angeht, sich gehorsam zu richten. Zu mehrerer Gewissheit haben Wir dieses eigenhändig unterschrieben und mit Unserem Königlichen Siegel versehen lassen. Schloss zu Stockholm am 1. Oktober 1894.

Oscar.

(L. S.) *Aug. Östergren.*

Translation.

Law on the Acquisition and Loss of citizenship;
given at the Palace of Stockholm October 1 1894.

We Oscar, by the Grace of God, King of Sweden, Norway, the Goths and the Vandals maketh herewith known: that We, with the advice and consent of the Diet, have been pleased to enact as follows:

§ 1. Swedish citizenship belongs by birth to any legitimate child whose father is a Swedish citizen.

§ 2. A man or unmarried woman of foreign nationality, born in Sweden, who has been domiciled here without interruption until attaining the age of twenty two years, becomes a Swedish citizen, unless he or she, during the year previous, has made a declaration in writing before the Governor of the Province, to the effect that he or she renounces the right to become a Swedish citizen, at the same time proving by satisfactory evidence that he or she enjoys civil rights in another country. Such renunciation of citizenship will however not be open to those who are born of foreigners who have availed themselves of this privilege.

When Swedish citizenship has been acquired by a foreigner in consequence of this paragraph, the citizenship also extends to his wife and legitimate children.

§ 3. A woman of foreign nationality marrying a Swedish citizen acquires by her marriage Swedish citizenship.

If the couple have children together before the marriage takes place, such children also become Swedish citizens, provided that they are still under age.

§ 4. Swedish citizenship can moreover be acquired by naturalization, in the manner, and under the conditions prescribed by a special Law.

Unless otherwise decided at the time, the naturalization of a foreigner, gives Swedish citizenship to his wife and legitimate children under age.

§ 5. Swedish citizenship is forfeited by any one who becomes a citizen of another country.

Should any one, with a view of obtaining foreign naturalization, desire to be absolved from his obligations as a Swedish subject, an application to that effect should be made to the King. Should the request be granted, the condition will be inserted that the applicant must, within a certain specified time, obtain citizenship in another country.

§ 6. A Swedish woman marrying any one who is not a Swedish citizen, loses by her marriage her Swedish citizenship.

If the couple have children together before being married, such children likewise lose their Swedish citizenship, provided that they are still under age at the time when their parents marry. If, at that time, they have attained their majority, they keep their Swedish citizenship.

§ 7. Also, if a man, or unmarried woman, of Swedish nationality, after attaining the age of twenty one years, or a widow, after the dissolution of her marriage, has been domiciled abroad during ten years without interruption, he or she forfeits all rights of citizenship, unless the sojourn abroad is due to public business on behalf of the United Kingdoms or for Sweden, or unless, before the expiration of the aforesaid time, the person in question has given in to a Swedish Legation, or Consulate, or, if domiciled in Norway, to the Swedish Department of Justice, a declaration of his intention to remain a Swedish subject, which declaration must be made in writing, and in the forms prescribed by the King. Such declarations must, so as to continue in force be renewed before the end of each tenth year, and cannot be validly made except by such persons as have themselves

emigrated from Sweden, their children in the first generation, and the widows of such persons.

The loss of citizenship to a Swede, under the provisions of this paragraph, also entails the loss of the same to his wife and legitimate children under age, unless they remain in this country.

It rests with the King to limit or annul the provisions of this paragraph by agreement with a foreign Power, in so far as that special Power may be concerned.

§ 8. Any one forfeiting his or her rights as a Swedish citizen, in consequence of paragraph 7 and not becoming a citizen of any other country, regains those rights on again settling in Sweden, or if the King permits that the citizenship may be regained without so doing.

Should Swedish citizenship be regained, under the provisions of the preceding clause by the husband, the citizenship is then acquired also by his wife and legitimate children under age, even if they continue to remain abroad,

§ 9. An illegitimate child whose mother is a Swedish citizen obtains Swedish citizenship by birth. As regards the question of citizenship, it also follows the mother in those cases where the legitimate child follows the father according to this law. Should the mother's position as regards nationality, be altered by marriage to any one else than the father of the child, no change is made in the nationality which previously belonged to the illegitimate child.

§ 10. Any child found in the Kingdom, about whom no knowledge can be obtained as regards its nationality, will be considered to be a Swedish citizen, until the contrary be proved.

Temporary enactment.

This law becomes valid on the 1 of January 1895, and the provisions in paragraph 2 shall also apply to foreigners born before that date, provided they have not then reached the age of twenty one yerds.

All whom it may concern have strictly to observe this law. In witness whereof We have signed this with Our own hand and caused Our Royal seal to be thereunto affixed. Given at the Palace of Stockholm on the 1 st day of October 1894.

Oscar.
(L. S.) *Aug. Östergren.*

Traduction.

Loi concernant l'acquisition et la perte de la nationalité.
Donnée au château de Stockholm le 1. Octobre 1894.

Nous Oscar, par la grâce de Dieu, Roi de Suède, de Norvège, des Goths et des Vendes, faisons savoir: que de concert avec la Diète, Nous avons trouvé bon de statuer et de décréter ce qui suit:

Art. 1. — La nationalité suédoise est acquise, par le fait de sa naissance, à l'enfant légitime dont le père est citoyen suédois.

Art. 2. — L'étranger, homme ou femme non mariée, né dans le pays et y ayant été domicilié sans interruption jusqu'à l'âge de 22 ans accomplis, devient, par ce fait, citoyen suédois, à moins que, dans le cours de la dernière année, l'intéressé n'ait déclaré par écrit, auprès de l'administration gouvernementale (-préfectorale-) du ressort, renoncer à la nationalité suédoise, en établissant par des preuves authentiques sa qualité de citoyen d'un autre pays. Ne peut répudier la nationalité suédoise l'enfant d'un étranger qui a fait lui-même usage de cet droit de répudiation.

La nationalité suédoise qu'un étranger acquiert en vertu des dispositions du présent article, s'étend aussi à sa femme et à ses enfants légitimes.

Art. 3. — La femme étrangère qui épouse un citoyen suédois, acquiert par son mariage la nationalité suédoise.

Dans la cas où les époux auraient eu conjointement des enfants avant le mariage, ces enfants, s'ils sont encore mineurs, deviennent de même citoyens suédois.

Art. 4. — La nationalité suédoise s'acquiert en outre au moyen de la naturalisation dans les formes et aux conditions fixées par une loi spéciale.

La naturalisation d'un étranger entraîne, à moins de dispositions contraires, celle de sa femme et de ses enfants légitimes mineurs.

Art. 5. — La nationalité suédoise est perdue par la naturalisation dans un autre pays.

Celui qui, pour se faire naturaliser à l'étranger, désire être libéré de ses obligations de citoyen suédois, en doit faire la demande au Roi. Si la demande est accordée, il y est attaché la condition que le requérant devra, dans un délai déterminé, avoir acquis la naturalisation dans un autre pays.

Art. 6. — La femme suédoise qui épouse un individu qui n'est pas sujet suédois, perd par son mariage la nationalité suédoise.

Si les époux ont eu conjointement des enfants avant le mariage, ces enfants, quand ils sont encore mineurs à l'époque du mariage, perdent de même la nationalité suédoise. Ils la conservent par contre s'ils sont parvenus à l'âge de majorité à l'époque mentionnée.

Art. 7. — Le Suédois ou la Suédoise non mariée, qui après avoir atteint l'âge de 21 ans, ou la veuve d'un citoyen suédois, qui après la dissolution du mariage: a eu pendant dix ans non interrompus son domicile hors du pays, a perdu sa nationalité suédoise quand le séjour en pays étranger n'a pas été dû à une mission officielle pour le compte des Royaumes-Unis ou pour celui de la Suède, ou si l'intéressé ne s'est pas réservé la conservation de sa nationalité par une déclaration écrite, faite, en conformité de prescriptions spéciales données par le Roi, avant l'issue du délai mentionné, auprès d'une légation ou d'un consulat suédois, ou, si l'intéressé est domicilié en Norvège, auprès du Ministère suédois de la justice. Pour continuer à avoir force légale, cette déclaration doit être renouvelée avant l'issue de chaque période de dix ans. Elle ne peut être faite valablement que par l'intéressé ou par ses descendants au premier degré, ainsi que par la veuve.

La perte de sa nationalité encourue, en vertu de cet article, par un

citoyen suédois, entraîne la même perte pour sa femme et pour ses enfantes légitimes mineurs, à moins qu'ils ne soient restés dans le Royaume.

Le Roi peut, par convention avec un État étranger, restreindre ou annuler, quant à cet État, l'application des dispositions du présent article.

Art. 8. — Celui qui, en vertu des dispositions de l'Art. 7, a perdu la nationalité suédoise sans être devenu citoyen d'un autre pays, recouvre sa nationalité s'il reprend son domicile en Suède, ou si le Roi le réintègre dans ses droits de citoyen suédois sans une mesure pareille.

La nationalité suédoise ainsi recouvrée par le mari, s'étend aussi à sa femme et à ses enfants légitimes mineurs, même s'ils conservent leur domicile à l'étranger.

Art. 9. — L'enfant illégitime dont la mère est citoyenne suédoise, est, par le fait de sa naissance, citoyen suédois. Cet enfant suit en outre, quant à la nationalité, la condition de la mère dans tous les cas où, en vertu des dispositions de la présente loi, l'enfant légitime suit celle du père. Le changement de nationalité de la mère par son mariage avec un autre que le père, n'apporte pas de modification à la nationalité de l'enfant illégitime.

Art. 10. — Les enfants trouvés dans le Royaume sans qu'il soit possible d'obtenir des renseignements sur leur nationalité, sont réputés citoyens suédois jusqu'à preuve du contraire.

Disposition transitoire.

Cette loi entrera en vigueur le 1. janvier 1895, les dispositions de l'Art. 2 devenant en outre applicables aux étrangers nés avant cette date, à moins qu'ils n'aient déjà atteint l'âge de 21 ans.

Donné pour servir de gouverne à qui de droit. En foi de quoi Nous avons signé la présente loi de Notre propre main et l'avons fait confirmer par l'apposition de Notre sceau Royal. Au château de Stockholm, le 1. Octobre 1894.

Oscar.
(L. S.) *Aug. Östergren.*

112.

PAYS-BAS, ROUMANIE.

Convention concernant l'extradition des malfaiteurs; signée à Bucarest le 9 octobre 1894.

Staatsblad van het Koningrijk der Nederlanden, 1895, No. 88.

Sa Majesté la Reine des Pays-Bas et en Son nom Sa Majesté la Reine-Régente du Royaume des Pays-Bas et Sa Majesté le Roi de Roumanie,

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*) Ratifiée à Bucarest le 20 mai 1895.

ayant résolu d'un commun accord de conclure une nouvelle convention pour l'extradition des malfaiteurs, ont nommé à cet effet pour Leurs plénipotentiaires, savoir:

Sa Majesté la Reine-Régente du Royaume des Pays-Bas:

Monsieur le jonkheer W. M. de Weede, chevalier de l'ordre du Lion Néerlandais, etc,, etc., Ministre Résident de Sa Majesté la Reine des Pays-Bas près la Cour Royale de Roumanie,

et Sa Majesté le Roi de Roumanie, Monsieur Alexandre Lahovari, Grand croix de Son ordre de la Couronne de Roumanie, etc. etc. etc. Son Ministre Sécrétaire d' Etat au Département des Affaires Etrangères;

Lesquels, après s'être communiqué leurs pleins pouvoirs, trouvés en bonne et due forme, sont convenus des articles suivants;

Art. 1. — Le Gouvernement des Pays-Bas et le Gouvernement de Roumanie s'engagent à se livrer réciproquement, suivant les règles déterminées par les articles suivants, à l'exception de leurs nationaux, les individus condamnés ou prévenus à raison d'un des faits ci-après énumérés, commis hors du territoire de l'Etat auquel l'extradition est demandée:

1° attentat contre la vie du Souverain, ou contre celle des Membres de Sa Famille;

2° meurtre ou assassinat, meurtre ou assassinat commis sur un enfant;

3° menaces faites par écrit et sous une condition déterminée;

4° avortement, procuré par la femme enceinte ou par d'autres;

5° sévices, ayant occasionné une grave lésion corporelle ou la mort, sévices commis avec préméditation ou sévices graves;

6° viol; attentat à la pudeur; le fait d'avoir, en dehors du mariage, un commerce charnel avec une fille ou une femme au dessous de l'âge de quatorze ans, ou avec une femme au dessus de cet âge, lorsque le coupable sait qu'elle est évanouie ou sans connaissance; actes d'immoralité, lorsque le coupable sait que la personne avec laquelle il les commet est évanouie ou sans connaissance, ou lorsque cette personne n'a pas atteint l'âge de quartorze ans; excitation d'une personne, au dessous de cet âge, à commettre ou à subir des actes d'immoralité ou à avoir, en dehors du mariage, un commerce charnel avec un tiers;

7° excitation de mineurs à la débauche et tout acte ayant pour objet de favoriser la débauche de mineurs;

8° bigamie;

9° enlèvement, recel, suppression, substitution ou supposition d'un enfant;

10° enlèvement de mineurs;

11° contrefaçon ou altération de monnaies ou de papier-monnaie, entreprise dans le dessein d'émettre ou de faire émettre ces monnaies ou ce papier-monnaie comme non-contrefaits et non altérés, ou mise en circulation de monnaies ou de papier-monnaie contrefaits ou altérés, lorsqu'elle a lieu à dessein;

12° contrefaçon ou falsification de timbres et de marques de l'État, ou de marques d'ouvrier exigées par la loi; la détention ou l'introduction de l'étranger de billets d'une banque de circulation fondée en vertu de dispositions légales, dans le dessein de les mettre en circulation comme

n'étant ni faux ni falsifiés, lorsque l'auteur savait, au moment où il les a reçus, qu'ils étaient faux ou falsifiés;

13° faux en écriture et usage fait à dessein de l'écriture fausse ou falsifiée;

14° faux témoignage, subornation de témoins, faux serment;

15° corruption de fonctionnaires publics, concussion; détournement commis par des fonctionnaires ou par ceux qui sont considérés comme tels;

16° Incendie allumé à dessein, même par le propriétaire, lorsqu'il peut en résulter un danger commun pour des biens ou un danger de mort pour autrui; incendie allumé dans le dessein de se procurer ou de procurer à un tiers un profit illégal au détriment de l'assureur ou du porteur légal d'un contrat à la grosse;

17° destruction illégale commise à dessein d'un édifice appartenant en tout ou en partie à un autre ou d'un édifice ou d'une construction, même par le propriétaire, lorsqu'il peut en résulter un danger commun pour des biens ou un danger de mort pour autrui;

18° actes de violence commis en public, à forces réunies, contre des personnes ou des biens;

19° le fait illégal commis à dessein de faire couler à fond, de faire échouer, de détruire, de rendre impropre à l'usage ou de détériorer un navire, lorsqu'il peut en résulter un danger pour autrui;

20° émeute et insubordination des passagers à bord d'un navire contre le capitaine et des gens de l'équipage contre leurs supérieurs;

21° le fait commis à dessein d'avoir mis en péril un convoi sur un chemin de fer;

22° vol;

23° escroquerie;

24° abus de blanc-seing;

25° détournement ou appropriation illégale, d'une chose appartenant en tout ou en partie à autrui, et que le détenteur possède autrement que par suite d'un délit;

26° banqueroute frauduleuse.

Sont comprises dans les qualifications précédentes la tentative et la complicité, lorsqu'elles sont punissables d'après la législation du Pays auquel l'extradition est demandée.

Dans aucun cas l'extradition ne pourra avoir lieu, que lorsque le fait similaire est également punissable d'après la législation du Pays auquel la demande a été adressée et que l'extradition de ce chef n'y est pas interdite.

Art. 2. — L'extradition n'aura pas lieu:

1° lorsque le fait a été commis dans un Pays tiers et que le Gouvernement de ce Pays requiert l'extradition;

2° lorsque la demande en sera motivée par le même fait, pour lequel l'individu réclamé à été jugé dans le Pays auquel l'extradition est demandée et du chef duquel il y a été condamné, absous ou acquitté;

3° si, d'après les lois du Pays auquel l'extradition est demandée la prescription de l'action ou de la peine est acquise avant l'arrestation de l'individu réclamé, ou, l'arrestation n'ayant pas encore eu lieu, avant qu'il n'ait été cité devant le tribunal pour être entendu.

Art. 3. — L'extradition n'aura pas lieu aussi longtemps que l'individu réclamé est poursuivi pour le même fait dans le Pays auquel l'extradition est demandée.

Art. 4. — Si l'individu réclamé est poursuivi ou subit une peine pour une autre infraction que celle qui a donné lieu à la demande d'extradition, son extradition ne sera accordée qu'après la fin de la poursuite dans le Pays auquel l'extradition est demandée, et, en cas de condamnation, qu'après qu'il aura subi sa peine ou qu'il aura été gracié. Néanmoins, si d'après les lois du Pays qui demande l'extradition, la prescription de la poursuite pouvait résulter de ce délai, son extradition sera accordée, si des considérations spéciales ne s'y opposent, et sous l'obligation de renvoyer l'extradé aussitôt que la poursuite dans ce Pays sera finie.

Art. 5. — L'individu extradé ne pourra être ni poursuivi ni puni, dans le Pays auquel l'extradition a été accordée, pour un fait punissable quelconque non prévu par la présente convention et antérieur à son extradition, ni extradé à un État tiers sans le consentement de celui qui a accordé l'extradition, à moins qu'il n'ait eu la liberté de quitter de nouveau le Pays susdit pendant un mois après avoir été jugé, et, en cas de condamnation, après avoir subi sa peine ou après avoir été gracié.

Il ne pourra pas non plus être poursuivi ni puni du chef d'un fait punissable prévu par la convention, antérieur à l'extradition, autre que celui ayant motivé cette dernière, sans le consentement du Gouvernement qui a livré l'extradé et qui pourra, s'il le juge convenable, exiger la production de l'un des documents mentionnés dans l'art. 7 de la présente convention. Toutefois, ce consentement ne sera pas nécessaire lorsque l'inculpé aura demandé spontanément à être jugé ou à subir sa peine ou lorsqu'il n'aura pas quitté, dans le délai fixé plus haut, le territoire du Pays auquel il a été livré.

Art. 6. — Les dispositions du présent traité ne sont point applicables aux délits politiques. La personne qui a été extradée à raison de l'un des faits de droit commun mentionnés à l'art. 1, ne peut, par conséquent, en aucun cas, être poursuivie et punie dans l'État auquel l'extradition a été accordée, à raison d'un délit politique commis par elle avant l'extradition, ni à raison d'un fait connexe à un semblable délit politique, à moins qu'elle n'ait eu la liberté de quitter de nouveau le Pays pendant un mois après avoir été jugée et, en cas de condamnation, après avoir subi sa peine ou après avoir été graciée.

Art. 7. — L'extradition sera demandée par la voie diplomatique et ne sera accordée que sur la production de l'original ou d'une expédition authentique, soit d'un jugement de condamnation, soit d'une ordonnance de mise en accusation ou de renvoi devant la justice répressive avec mandat d'arrêt, soit d'un mandat d'arrêt, délivré dans les formes prescrites par la législation de l'État qui fait la demande, et indiquant suffisamment le fait dont il s'agit, pour mettre l'État requis à même de juger s'il constitue, d'après sa législation, un cas prévu par la présente convention, ainsi que la disposition pénale qui lui est applicable.

Art. 8. — Les objets saisis en la possession de l'individu réclamé

seront livrés à l'État requérant, si l'autorité compétente de l'État requis en a ordonnée la remise.

Art. 9. — En attendant la demande d'extradition par la voie diplomatique, l'arrestation provisoire de l'individu dont l'extradition peut être requise aux termes de la présente convention, pourra être demandée:

du côté des Pays-Bas par tout officier de justice ou tout juge d'instruction (juge commissaire);

du côté de la Roumanie par le juge d'instruction et par les officiers de police judiciaire.

L'arrestation provisoire est soumise aux formes et aux règles prescrites par la législation du Pays auquel la demande est faite.

Art. 10. — L'étranger arrêté provisoirement, aux termes de l'article précédent, sera, à moins que son arrestation ne doive être maintenue pour un autre motif, mis en liberté, si dans le délai de vingt jours après la date du mandat d'arrestation provisoire, la demande d'extradition par la voie diplomatique, avec remise des documents prescrits par la présente convention, n'a pas été faite.

Art. 11. — Lorsque, dans la poursuite d'une affaire pénale non politique, un des Gouvernements jugera nécessaire l'audition de témoins se trouvant dans l'autre État, une commission rogatoire sera envoyée à cet effet par la voie diplomatique, et il y sera donné suite, en observant les lois du Pays, où les témoins seront invités à comparaître. En cas d'urgence toutefois une commission rogatoire pourra être directement adressée par l'autorité judiciaire dans l'un des États à l'autorité judiciaire dans l'autre État.

Toute commission rogatoire, ayant pour but de demander une audition de témoins, devra être accompagnée d'une traduction française.

Art. 12. — Si dans une cause pénale non politique la comparution personnelle d'un témoin dans l'autre Pays est nécessaire ou désirée, son Gouvernement l'engagera à se rendre à l'invitation qui lui sera faite, et, en cas de consentement, il lui sera accordé des frais de voyage et de séjour, d'après les tarifs et règlements en vigueur dans le Pays où l'audition devra avoir lieu, sauf le cas où le Gouvernement requérant estimera devoir allouer au témoin une plus forte indemnité.

Aucun témoin, quelle que soit sa nationalité, qui, cité dans l'un des deux Pays, comparaîtra volontairement devant les juges de l'autre Pays, ne pourra y être poursuivi ou détenu pour des faits ou condamnations criminels antérieurs, ni sous prétexte de complicité dans les faits objets du procès où il figurera comme témoin.

Art. 13. — Lorsque dans une cause pénale non politique la confrontation de criminels, détenus dans l'autre État, ou bien la communication de pièces de conviction ou de documents, qui se trouveraient entre les mains des autorités de l'autre Pays, sera jugée utile ou nécessaire, la demande en sera faite par la voie diplomatique, et l'on y donnera suite à moins de considérations spéciales qui s'y opposent, et sous l'obligation de renvoyer les criminels et les pièces.

Art. 14. — Le transit, à travers le territoire de l'un des États contractants, d'un individu livré par une tierce Puissance à l'autre Partie et n'appartenant pas au Pays du transit, sera accordé sur la simple production,

en original ou en expédition authentique, de l'un des actes de procédure mentionnés à l'art. 7, pourvu que le fait servant de base à l'extradition soit compris dans la présente convention et ne rentre pas dans les prévisions des artt. 2 et 6, et que le transport ait lieu, quant à l'escorte, avec le concours de fonctionnaires du Pays qui a autorisé le transit sur son territoire.

Les frais du transit seront à la charge de l'Etat requérant.

Art. 15. — Les gouvernements respectifs renoncent de part et d'autre à toute réclamation pour la restitution des frais d'entretien, de transport et autres, qui pourraient résulter, dans les limites de leurs territoires respectifs, de l'extradition des prévenus, accusés ou condamnés, ainsi que de ceux résultant de l'exécution des commissions rogatoires, du transport et du renvoi des criminels à confronter, et de l'envoi et de la restitution des pièces de conviction ou des documents.

Au cas où le transport par mer serait jugé préférable, l'individu à extrader sera conduit au port que désignera l'agent diplomatique ou consulaire du Gouvernement requérant, aux frais duquel il sera embarqué.

Art. 16. — La présente convention, laquelle n'est pas applicable aux Colonies, ne sera exécutoire qu'à dater du vingtième jour après sa promulgation dans les formes prescrites par les lois des deux Pays.

A partir de sa mise à exécution, la convention du 13 septembre 1881 cessera d'être en vigueur et sera remplacée par la présente convention, laquelle continuera à sortir ses effets jusqu'à six mois après déclaration contraire de la part de l'un des deux Gouvernements.

Elle sera ratifiée et les ratifications en seront échangées le plus tôt possible.

En foi de quoi les plénipotentiaires respectifs ont signé la présente convention et y ont apposé leurs cachets.

Fait en double expédition à Bucarest, le neuf octobre (vingt-sept septembre) mil huit cent quatre-vingt quatorze.

(signé) *W. M. de Weede.* (L. S.) (signé) *Al. Lahovari.* (L. S).

113.

ITALIE, GRANDE-BRETAGNE, ÉTATS-UNIS D'AMÉRIQUE.

Déclaration concernant l'adhésion de l'Italie à l'arrangement du litige relatif aux pêcheries dans la mer de Behring, du 23 octobre 1894.

Raccolta dei Trattati, 1895.

Adesione dell'Italia all'accordo fra la Gran Bretagna e gli Stati Uniti per la pesca delle foche nel mare di Behring.

La Gran Bretagna e gli Stati Uniti dell'America del nord, in seguito alla sentenza emanata il 15 agosto 1893*) a Parigi dal tribunale arbitrale

*) V. **N. R. G.** 2e série XXI, 439.

sulla questione vertente tra i due Stati per la pesca delle foche nel mare di Behring, sottoposero ai rispettivi Parlamenti misure legislative per disciplinare l'esercizio di detta pesca nei rapporti vicendevoli dei sudditi e dei bastimenti delle due nazioni.

Avvenuta l'approvazione di siffate misure legislative da parte della Gran Bretagna e degli Stati Uniti dell'America del nord, quei due Governi segnalarono al Governo del Re siffatte disposizioni e lo invitarono ad aderirvi.

Il regio Governo diede la propria adesione, incaricando i RR. Rappresentanti diplomatici in Londra e Washington di parteciparla ai due Governi.

Ciò stante, si inserisce qui sotto il tenore della sentenza arbitrale predetta, alla quale vennero uniformate le norme legislative menzionate per regolare la pesca delle foche nel mare di Behring.
(Traduzione.)

Art 1. — I Governi degli Stati Uniti e della Gran Bretagna interdiranno ai loro cittadini e sudditi rispettivi di uccidere, prendere ed inseguire, in ogni tempo ed in qualunque modo, gli animali comunemente detti foche da pelliccia, entro una zona di sessanta miglia intorno alle isole Pribilov, comprendendovi le acque territoriali.

Le miglia ricordate nel precedente paragrafo sono miglia geografiche di sessanta al grado di latitudine.

Art. 2. — I due Governi interdiranno ai loro cittadini e sudditi rispettivi di uccidere, prendere od inseguire le foche da pelliccia, in qualsivoglia modo, durante la stagione che si estende ogni anno dal 1° maggio al 31 luglio inclusivamente, in alto mare, nella parte dell'Oceano Pacifico, compreso il mare di Behring, che è situata al nord del 35° grado di latitudine nord ed all'est del 180° grado di longitudine di Greenwich, fino al suo incontro col limite marittimo descritto nell'articolo 1° del trattato fra gli Stati Uniti e la Russia, e in seguito, all'est di questa linea fino allo stretto di Behring.

Art. 3. — Durante il periodo di tempo e nelle acque in cui la pesca delle foche da pelliccia sarà permessa, soltanto le navi a vella saranno ammesse ad esercitarla o ad associarsi alle operazioni di questa pesca. Avranno tuttavia la facoltà di farsi assistere da piroghe o da altre imbarcazioni senza ponte, mosse da pagaje, da remi o da vele, del genere di quelle che sono comunemente adoperate come battelli da pesca.

Art. 4. — Ogni nave a vela autorizzata ad esercitare la pesca delle foche da pelliccia dovrà essere munita di una speciale licenza, rilasciatale a questo scopo dal proprio Governo, e dovrà portare una bandiera distintiva determinata dal Governo medesimo.

Art. 5. — I padroni delle navi arruolate nella pesca delle foche da pelliccia dovranno far esatta menzione, nei loro libri di bordo, della data e del luogo di ogni operazione di pesca delle foche da pelliccia, come del numero e del sesso delle foche catturate ogni giorno. Queste menzioni dovranno essere comunicate da ognuno dei due Governi all'altro alla fine di ogni stagione di pesca.

Art. 6. — L'uso di reti, di armi da fuoco e di esplosivi sarà inter-

detto nella pesca delle foche da pelliccia. Questa restrizione non si applicherà ai fucili da caccia, quando questa pesca sarà praticata fuori del mare di Behring e durante la stagione nella quale può essere legittimamente esercitata.

Art. 7. — I due Governi prenderanno delle misure allo scopo di controllare l'attitudine degli uomini autorizzati ad esercitare la pesca delle foche da pelliccia; questi uomini dovranno essere riconosciuti atti a maneggiare con sufficiente abilità le armi col mezzo delle quali questa pesca potrà essere fatta.

Art. 8. — I regolamenti contenuti nei precedenti articoli non si applicheranno agli indiani che abitano sulle coste del territorio degli Stati Uniti o della Gran Bretagna, i quali esercitano la pesca delle foche da pelliccia con delle piroghe od imbarcazioni senza ponte, non trasportate da altre navi, nè adoperate nel servizio di queste, mosse esclusivamente coll'aiuto di pagaie, di remi e di vele, e manovrate ognuna da non più di cinque persone, nel modo usato finora dagli indiani; purchè questi non sieno arruolati al servizio di altre persone, e quando cacciano così in piroghe od imbarcazioni senza ponte, non inseguano le foche da pelliccia al di fuori delle acque territoriali, in virtù d'impegni contratti per la consegna delle pelli a una qualsiasi persona.

Questa eccezione non avrà per effetto di menomare la legislazione nazionale dell'uno o dell'altra dei due paesi; essa non si estenderà alle acque del mare di Behring, nè alle acque des passes Alèoutiennes. Nessuna delle disposizioni che precedono ha per oggetto di opporsi a che gli indiani siano impiegati, come cacciatori od a qualunque altro titolo, come lo sono stati finora, sopra navi che si danno all'inseguimento delle foche da pelliccia.

Art. 9. — I regolamenti comuni, stabiliti dagli articoli precedenti, in vista della protezione e della conservazione di foche da pelliccia, rimarranno in vigore finchè siano stati, in tutto od in parte, aboliti o modificati da un accordo tra i Governi degli Stati Uniti e della Gran Bretagna.

I detti regolamenti comuni saranno sottoposti, ogni cinque anni, ad un nuovo esame, affinchè i due Governi interessati si trovino in grado di stimare, col lume dell'esperienza acquistata, se sia il caso di recarvi qualche modificazione.

114.

BELGIQUE, ÉTAT LIBRE D'ORANGE.

Convention d'extradition; signée à Bruxelles, le 27 novembre 1894.*)

Moniteur belge, le 1 mars 1896, No. 60.

Convention d'extradition entre la Belgique et l'Etat libre d'Orange.

Sa Majesté le Roi des Belges et Son Excellence Monsieur le Président de l'Etat libre d'Orange, ayant résolu, d'un commun accord, de conclure une convention pour l'extradition des malfaiteurs, ont nommé, à cet effet, pour Leurs Plénipotentiaires, savoir:

Sa Majesté le Roi des Belges,

M. le comte de Merode Westerloo, Chevalier de l'Ordre de Léopold, Grand-cordon des Ordres du Sauveur de Grèce, de l'Etoile de Roumanie, etc., etc., etc., Membre de la Chambre des Représentants, Son Ministre des Affaires Etrangères, et

Son Excellence Monsieur le Président de l'Etat libre d'Orange,

M. Ieslein, Commandeur des Ordres de la Couronne de Chêne et du Mérite de Waldeck-Pyrmont, etc., etc., etc., Plénipotentiaire spécial de l'Etat libre d'Orange,

Lesquels, après s'être communiqué leurs pleins pouvoirs, trouvés en bonne et due forme, sont convenus des articles suivants:

Art. 1. — Le Gouvernement Belge et le Gouvernement de l'Etat libre d'Orange s'engagent à se livrer, réciproquement, suivant les règles déterminées par les articles suivants, à l'exception de leurs nationaux, les individus condamnés ou prévenus à raison d'un des faits ci-après énumérés, commis sur le territoire de l'Etat requérant:

1° Meurtre ou assassinat, meurtre ou assassinat commis sur un enfant;

2° Menaces, faites par écrit ou sous une condition déterminée, pour autant que les lois des deux pays permettent l'extradition de ce chef;

3° Avortement, procuré par la femme enceinte ou par d'autres;

4° Sévices, pour autant que les lois des deux pays permettent l'extradition de ce chef;

5° Le fait de forcer une femme par violence ou par menaces de violence à avoir, en dehors du mariage, un commerce charnel avec le coupable; le fait d'avoir, en dehors du mariage, un commerce charnel avec une femme, lorsque le coupable sait qu'elle est évanouie ou sans connaissance; attentats à la pudeur (avec violence ou menaces); actes d'immoralité avec une personne de moins de 14 ans;

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*) Les ratifications ont été échangées à Bruxelles le 11 février 1896.

6° Excitation de mineurs à la débauche et tout acte ayant pour objet de favoriser la débauche de mineurs, punissable d'après les lois des deux pays;

7° Bigamie;

8° Enlèvement, recel, suppression, substitution ou supposition d'un enfant;

9° Enlèvement de mineurs;

10° Contrefaçon ou altération de monnaies ou de papier monnaie, entreprise dans le dessein d'émettre ou de faire émettre ces monnaies ou ce papier monnaie comme non contrefaits et non altérés, ou mise en circulation de monnaies ou de papier monnaie contrefaits ou altérés, lorsqu'elle a lieu à dessein;

11° Contrefaçon ou falsification de timbres et de marques de l'Etat ou de marques d'ouvrier exigées par la loi, pour autant que les lois des deux pays permettent l'extradition de ce chef;

12° Faux en écriture et usage fait à dessein de l'écriture fausse ou falsifiée, pour autant que les lois des deux pays permettent l'extradition de ce chef; l'introduction de l'étranger de billets d'une banque de circulation fondée en vertu de dispositions légales, dans le dessein de les mettre en circulation comme n'étant ni faux ni falsifiés, lorsque l'auteur savait, au moment où il les a reçus, qu'ils étaient faux ou falsifiés et qu'il a agi de concert avec l'auteur du faux ou ses complices;

13° Faux témoignage, subornation de témoins, faux serment;

14° Corruption de fonctionnaires publics, pour autant que les lois des deux pays permettent l'extradition de ce chef; concussion, détournement commis par des fonctionnaires ou par ceux qui sont considérés comme tels;

15° Incendie allumé à dessein, lorsqu'il peut en résulter un danger commun pour des biens ou un danger de mort pour autrui; incendie allumé dans le dessein de se procurer ou de procurer à un tiers un profit illégal au détriment de l'assureur ou du porteur légal d'un contrat à la grosse;

16° Destruction illégale, commise à dessein, d'un édifice appartenant, en tout ou en partie, à un autre;

17° Actes de violence commis en public, à forces réunies, contre des biens, pour autant que les lois des deux pays permettent l'extradition de ce chef;

18° Le fait illégal commis à dessein de faire couler à fond, de faire échouer, de détruire, de rendre impropre à l'usage ou de détériorer un navire, lorsqu'il peut en résulter un danger pour autrui;

19° Emeute et insubordination des passagers, à bord d'un navire, contre le capitaine, et des gens de l'équipage contre leurs supérieurs, pour autant que les lois des deux pays permettent l'extradition de ce chef;

20° Le fait commis à dessein d'avoir mis en péril un convoi sur un chemin de fer, pour autant que les lois des deux pays permettent l'extradition de ce chef;

21° Vol;

22° Escroqueries;

23° Abus d'un blanc-seing;

24° Détournement, abus de confiance;

25° Banqueroute frauduleuse;

26° Traite des esclaves dans les cas prévus par la législation des deux pays;

27° Résistance de la part des capitaines et gens de l'équipage aux ordres des officiers agissant en vertu des articles 42 et suivants de l'Acte général de la conférence de Bruxelles du 2 juillet 1890;

28° Infraction aux défenses concernant les armes à feu et les munitions, prévue par les articles 8 et 9 de l'Acte Général de la conférence de Bruxelles du 2 juillet 1890;

Sont comprises dans les qualifications précédentes, la tentative et la complicité, lorsqu'elles sont punissables d'après la législation du pays auquel l'extradition est demandée;

Lorsque le fait donnant lieu à la demande d'extradition aura été commis sur le territoire d'un pays tiers, il pourra être donné suite à cette demande si la législation de l'Etat requis autorise la poursuite des mêmes infractions commises hors de son territoire.

Art. 2. — L'extradition n'aura pas lieu:

1° Lorsque le fait a été commis dans un pays tiers et que le gouvernement de ce pays requiert l'extradition;

2° Lorsque la demande en sera motivée par le même fait pour lequel l'individu réclamé a été jugé dans le pays auquel l'extradition est demandée et du chef duquel il a été condamné, absous ou acquitté;

3° Si, d'après les lois du pays auquel l'extradition est demandée, la prescription de l'action ou de la peine est acquise au moment où la remise pourrait avoir lieu.

Art. 3. — L'extradition n'aura pas lieu aussi longtemps que l'individu réclamé est poursuivi pour le même fait, dans le pays auquel l'extradition est demandée.

Art. 4. — Si l'individu réclamé est poursuivi ou subit une peine pour une autre infraction que celle qui a donné lieu à la demande d'extradition, son extradition ne sera accordée qu'après la fin de la poursuite dans le pays auquel l'extradition est demandée, et, en cas de condamnation, qu'après qu'il aura subi sa peine ou qu'il aura été gracié.

Art. 5. — Il est expressément stipulé que l'étranger dont l'extradition aura été accordée ne pourra être poursuivi ou puni pour aucun délit politique antérieur à l'extradition, ni pour aucun fait connexe à un semblable délit, ni pour aucun des crimes ou délits non prévus par la présente convention.

Ne sera pas réputé délit politique, ni fait connexe à un semblable délit, l'attentat contre la personne du chef d'un Etat étranger ou contre celle des membres de sa famille, lorsque cet attentat constituera le fait, soit de meurtre, soit d'assassinat, soit d'empoisonnement.

L'individu extradé pourra, toutefois, être poursuivi ou puni contradictoirement dans les cas suivants, pour une infraction autre que celle qui a motivé l'extradition;

1° S'il a demandé à être jugé ou à subir sa peine, auquel cas sa demande sera communiquée au gouvernement qui l'a livré;

2° S'il n'a pas quitté, pendant le mois qui suit son élargissement définitif, le pays auquel il a été livré;

3° Si l'infraction est comprise dans la convention et si le gouvernement auquel il a été livré a obtenu préalablement l'adhésion du gouvernement qui a accordé l'extradition. Ce dernier pourra, s'il le juge convenable, exiger la production de l'un des documents mentionnés dans l'article 6 de la convention.

La réextradition à un pays tiers est soumise aux mêmes règles.

Art. 6. — L'extradition sera demandée par la voie diplomatique ou consulaire et ne sera accordée que sur la production de l'original ou d'une expédition authentique, soit d'un jugement de condamnation, soit d'une ordonnance de mise en accusation ou de renvoi devant la justice répressive avec mandat d'arrêt, soit d'un mandat d'arrêt délivré dans les formes prescrites par la législation de l'État qui fait la demande, et indiquant suffisamment le fait dont il s'agit, pour mettre l'État requis à même de juger s'il constitue, d'après sa législation, un cas prévu par la présente convention, ainsi que la disposition pénale qui lui est applicable.

Art. 7. — Les objets saisis en la possession de l'individu réclamé seront livrés à l'État requérant, si l'autorité compétente de l'État requis en a ordonné la remise.

Art. 8. — En attendant la demande d'extradition par la voie diplomatique ou consulaire, l'arrestation provisoire de l'individu, dont l'extradition peut être requise aux termes de la présente convention, pourra être demandée;

Du côté de la Belgique par tout procureur du Roi ou tout juge d'instruction:

Du côté de la République de l'État libre d'Orange, par tout officier de justice ou tout juge d'instruction (juge commissaire).

L'arrestation provisoire et soumise aux formes et aux règles prescrites par la législation du pays auquel la demande est faite.

Art. 9. — L'étranger arrêté provisoirement aux termes de l'article précédent, sera, à moins que son arrestation ne doive être maintenue pour un autre motif, mis en liberté en Belgique, si dans le délai de trois mois après son arrestation provisoire, il ne reçoit communication de l'un des documents mentionnés dans l'article 6.

Art. 10. — Lorsque, dans la poursuite d'une affaire pénale non politique, un des gouvernements jugera nécessaire l'audition de témoins se trouvant dans l'autre État, une commission rogatoire sera envoyée à cet effet par la voie diplomatique, et il y sera donné suite, en observant les lois du pays où les témoins seront invités à comparaître.

En cas d'urgence, toutefois, une commission rogatoire pourra être directement adressée par l'autorité judiciaire, dans l'un des États, à l'autorité judiciaire dans l'autre État.

Art. 11. — Si, dans une cause pénale non politique, la comparution personnelle d'un témoin dans l'autre pays est nécessaire ou désirée, son gouvernement l'engagera à se rendre à l'invitation qui lui sera faite, et,

en cas de consentement, il lui sera accordé des frais de voyage et de séjour d'après les tarifs et règlements en vigueur dans le pays où l'audition devra avoir lieu, sauf le cas où le gouvernement requérant estimera devoir allouer au témoin une plus forte indemnité.

Aucun témoin, quelle que soit sa nationalité, qui, cité dans l'un des deux pays, comparaîtra volontairement devant les juges de l'autre pays, ne pourra y être poursuivi ou détenu pour des faits ou condamnations criminels antérieurs, ni sous prétexte de complicité dans les faits objets du procès où il figurera comme témoin.

Art. 12. — Lorsque dans une cause pénale non politique la communication de pièces de conviction ou de documents qui se trouveraient entre les mains des autorités de l'autre pays, sera jugée utile ou nécessaire, la demande en sera faite par la voie diplomatique, et l'on y donnera suite à moins de considérations spéciales qui s'y opposent, et sous l'obligation de renvoyer les pièces.

Art. 13. — Le transit, à travers le territoire de l'un des États contractants, d'un individu livré par une tierce puissance à l'autre partie et n'appartenant pas au pays du transit, sera accordé sur la simple production en original ou en expédition authentique de l'un des actes de procédure mentionnés à l'article 6, pourvu que le fait servant de base à l'extradition soit compris dans la présente convention et ne rentre pas dans les prévisions des articles 2 et 5, § 1, et que le transport ait lieu, quant à l'escorte, avec le concours de fonctionnaires du pays qui a autorisé le transit sur son territoire.

Les frais du transit seront à la charge de l'État requérant.

Art. 14. — Les Gouvernements respectifs, renoncent de part et d'autre, à toute réclamation pour la restitution des frais d'entretien, de transport et autres, qui pourraient résulter, dans les limites de leurs territoires respectifs, de l'extradition des prévenus, accusés ou condamnés ainsi que de ceux résultant de l'exécution des commissions rogatoires, à moins qu'il ne s'agisse d'expertises criminelles, commerciales ou médico-légales, exigeant plusieurs vacations, et de l'envoi et de la restitution des pièces de conviction ou des documents.

Art. 15. — La présente convention ne sera exécutoire qu'à dater du vingtième jour après publication dans les formes prescrites par les lois des deux pays.

Elle sera ratifiée et les ratifications en seront échangées le plus tôt possible, à Bruxelles.

En foi de quoi, les plénipotentiaires respectifs ont signé la présente convention et y ont apposé le cachet de leurs armes.

Fait en double expédition à Bruxelles, le 27 novembre 1894.

(L. S.) *Cte de Merode Westerloo.*
(L. S.) *Alfred Ieslein.*

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ITALIE, JAPON.

Traité de commerce et de navigation; signé à Rome le 1 décembre 1894.

Publication officielle.

Sua Maestà il Re d'Italia e Sua Maestà l'Imperatore del Giappone egualmente animati dal desiderio di mantenere le relazioni di buona intelligenza ora fortunatamente esistenti fra di essi, ampliando ed accrescendo gli scambi fra i loro Stati respettivi; e convinti che tale scopo non si possa meglio conseguire che con la revisione dei trattati in vigore fra i due Paesi; hanno deliberato di compiere siffatta revisione in base a principii di equità e di reciproco vantaggio; ed hanno, a tal fine, nominato plenipotenziarii:

Sua Maestà il Re d'Italia

Sua Eccellenza il barone Alberto Blanc, senatore del regno d'Italia, cavaliere gran croce, decorato del gran cordone degli ordini dei SS. Maurizio e Lazzaro e della Corona d'Italia, suo ministro degli affari esteri; e

Sua Maestà l'Imperatore del Giappone

M. Takahira Kogoro Jushii, quinta classe dell'ordine imperiale del Sacro Tesoro.

I quali, dopo essersi reciprocamente comunicati i loro pieni poteri, trovati in buona e debita forma, hanno stipulato il seguente trattato di commercio e navigazione.

Art. 1. — I sudditi di ciascuna delle due Alte Parti contraenti avranno piena libertà di entrare, viaggiare e stabilirsi in qualunque parte del territorio, e possedimenti dell'altra Parte contraente, e godranno piena e perfetta protezione per le loro persone e proprietà.

Essi avranno libero e facile accesso ai tribunali per far valere e difendere i loro diritti; saranno liberi, al pari dei nazionali, di scegliere avvocati, notai, procuratori ed altri rappresentanti, e valersi dell'opera loro per esperire e difendere i propri diritti davanti ai tribunali; ed in tutte le altre materie concernenti l'amministrazione della giustizia essi godranno degli stessi diritti e privilegi spettanti ai nazionali.

Per tutto ciò che riguarda i diritti di risiedere e di viaggiare; di possedere beni ed effetti di ogni specie; di succedere nei beni mobili per testamento, o altrimenti; di disporre delle proprietà di qualunque genere e in qualunque maniera, che essi possano legalmente acquistare, i sudditi di ciascuna delle Parti contraenti godranno negli Stati e possedimenti dell'altra i medesimi privilegi, libertà e diritti, e non saranno soggetti, a questo riguardo, ad imposizioni o tasse, nè diverse nè maggiori di quelle che gravano sopra i nazionali, o sopra i sudditi o cittadini della nazione più favorita.

I sudditi di ciascuna delle Parti contraenti godranno, negli Stati e possedimenti dell'altra, piena libertà di coscienza e, subordinatamente alle leggi, ordinanze e regolamenti, avranno diritto al pieno e libero esercizio del loro culto in pubblico ed in privato, e la facoltà di seppelire i propri connazionali, secondo le pratiche della loro religione, nei luoghi che saranno a tale uso stabiliti e mantenuti.

Essi non potranno, sotto nessun pretesto, essere obligati a pagare tasse o diritti nè diversi nè maggiori di quelli che siano o possano essere pagati dai nazionali o dai sudditi e cittadini della nazione più favorita.

Art. 2. — I sudditi di ciascuna delle Parti contraenti, che risiedano negli Stati o possedimenti dell'altra, saranno esenti da qualunque servizio militare obbligatorio sia nell'esercito, che nell'armata, nella guardia nazionale, o altra milizia qualsiasi, nonchè da qualunque contribuzione imposta invece del servizio personale, e da ogni imprestito forzoso, tassa o contribuzione militare.

Art. 3. — Vi sarà reciprocamente piena ed intiera libertà di commercio e di navigazione fra gli Stati e possedimenti delle due Alte Parti contraenti.

I sudditi delle medesime potranno esercitare il commercio in qualunque parte degli Stati e possedimenti rispettivi all'ingrosso ed al minuto, in qualunque genere di prodotti del suolo, dell'industria e di merci di legittimo commercio sia personalmente, che per mezzo di agenti, sia individualmente, che in società con forestieri o indigeni; essi potranno possedere, avere in proprietà, affittare e occupare le case, manifatture, magazzini, botteghe e locali a loro necessarî; godere in enfiteusi terreni a scopo di abitazione e commercio conformandosi alle leggi ed ai regolamenti di polizia e dogana del paese, al pari dei nazionali.

Essi potranno approdare liberamente colle loro navi e carichi in qualunque piazza, porto o fiume degli Stati e possedimenti rispettivi, che sieno o che possano in seguito venire aperti al commercio straniero, e godranno rispettivamente in materia di commercio e navigazione il medesimo trattamento dei nazionali o dei sudditi o cittadini della nazione più favorita, senza dover pagare diritti, tasse o imposte sotto qualsiasi nome o specie, riscossi in nome o per conto del governo, di pubblici funzionarî, di privati, di corporazioni ed istituzioni di qualunque specie, diversi o maggiori di quelli pagati dai sudditi e cittadini della nazione più favorita, subordinatamente sempre alle leggi, ordinanze e regolamenti di ciascun Paese.

Art. 4. — Le abitazioni, manifatture, magazzini, botteghe dei sudditi di ciascuna delle Alte Parti contraenti negli Stati e possedimenti dell'altra, e tutti i locali relativi a scopo di abitazione o di commercio saranno rispettati.

Non sarà permesso di perquisire o anche solo far visite domiciliari in tali abitazioni e locali, esaminare e verificare i libri, carte o contabilità, se non osservando le condizioni e forme prescritte dalle leggi, ordinanze e regolamenti vigenti per i sudditi del Paese.

Art. 5. — Sopra i prodotti del suolo e dell'industria degli Stati e possedimenti di una delle Parti contraenti, importati negli Stati o possedimenti dell'altra, da qualunque località essi provengano, non saranno imposti diritti nè diversi nè maggiori di quelli che gravano sopra i medesimi

prodotti del suolo o della industria di qualunque paese estero; nè potrà essere imposto o mantenuto il divieto d'importazione di qualsiasi prodotto del suolo o dell'industria degli Stati o possedimenti di una delle Alte Parti contraenti negli Stati o possedimenti dell'altra, da qualunque località provengano, se lo stesso divieto non sarà ugualmente esteso all'importazione dei medesimi prodotti del suolo e dell'industria di tutti gli altri paesi.

Quest'ultima disposizione non è applicabile ai divieti sanitarî e a quegli altri richiesti dalla necessità di tutelare la salute delle persone e la conservazione del bestiame, e delle piante utili alla agricoltura.

Art. 6. — Sopra l'esportazione dei prodotti del suolo e dell'industria di una delle Alte Parti contraenti negli Stati e possedimenti dell'altra non sarà imposto nessun diritto, nè diverso nè maggiore di quelli, che siano, o possano essere stabiliti per la esportazione di quegli stessi prodotti in tutti gli altri paesi; nè sarà imposto un divieto per la esportazione di un prodotto qualsiasi dagli Stati o possedimenti di una delle Parti contraenti negli Stati o possedimenti dell'altra, se lo stesso divieto non sia esteso all'esportazione dei medesimi prodotti in tutti gli altri Paesi.

Art. 7. — I sudditi di ciascuna delle Alte Parti contraenti saranno esenti negli Stati e possedimenti dell'altra da ogni diritto di transito, ed avranno parità perfetta di trattamento coi nazionali per tutto ciò che riguarda magazzinaggio, premî, facilitazioni e drawbacks.

Art. 8. — Tutti i prodotti che possono essere legalmente importati negli Stati e possedimenti di Sua Maestà l'Imperatore del Giappone su navi giapponesi, potranno ugualmente essere importati in detti porti su navi italiane, senza essere assoggettati a diritti o pesi, comunque chiamati, nè diversi, nè maggiori di quelli, che tali prodotti pagherebbero, se fossero importati da navi giapponesi; e, reciprocamente, tutti i prodotti che possono essere legalmente importati nei porti degli Stati e possedimenti di Sua Maestà il Re d'Italia su navi italiane, potranno del pari essere portati nei detti porti su navi giapponesi, senza essere assoggettati a qualsivoglia diritto o peso, diverso o maggiore di quello che pagherebbero i medesimi prodotti, se portati su navi italiane.

Cosiffatta reciproca parità di trattamento avrà effetto indistintamente sia che tali prodotti provengano direttamente dai luoghi di origine, come da qualunque altro luogo.

Similmente vi sarà perfetta parità di trattamento per quel che riguarda l'esportazione, in modo che gli stessi diritti di esportazione saranno pagati, e gli stessi premi e drawbacks, concessi negli Stati e possedimenti di ciascuna delle Alte Parti contraenti per l'esportazione di qualunque prodotto che possa essere legalmente esportato, sia che la esportazione avvenga su navi giapponesi o italiane, e qualunque possa essere il luogo di destinazione, sia un porto di una delle Parti contraenti, sia un porto di una terza Potenza.

Art. 9. — Nessun diritto di tonnellaggio, porto, pilotaggio, faro, quarantena, o altri simili ed equivalenti, di qualunque natura o denominazione, riscosso in nome o per conto del governo, di pubblici funzionarî, di privati, di corporazioni o istituzioni di qualunque specie, sarà imposto nei porti degli Stati o possedimenti di una delle Parti sopra le navi

dell'altra, se non sarà ugualmente stabilito nelle stesse condizioni e casi sulle navi nazionali in generale o sopra le navi della nazione più favorita.

Tale parità di trattamento si applicherà reciprocamente alle navi rispettive, da qualunque porto o luogo esse arrivino e qualunque possa essere il loro luogo di destinazione.

Art. 10. — Per tutto quello che riguarda la permanenza, il carico, scarico di navi nei porti, bacini, docks, rade, porti e fiumi degli Stati e possedimenti dei due Paesi, nessun privilegio potrà essere concesso alle navi nazionali, senza essere ugualmente consentito per le navi dell'altro Paese, essendo intenzione delle Alte Parti contraenti che, anche sotto questo riguardo, le navi rispettive siano trattate sulla base della perfetta uguaglianza.

Art. 11. — Il commercio di cabotaggio di entrambe le Alte Parti contraenti è sottratto alle disposizioni del presente trattato, e sarà regolato rispettivamente dalle leggi, ordinanze e regolamenti dell'Italia e del Giappone.

Resta nondimeno stabilito che sudditi italiani negli Stati e possedimenti di Sua Maestà l'Imperatore del Giappone e i sudditi giapponesi negli Stati e possedimenti di Sua Maestà il Re d'Italia godranno, in questa materia, i diritti che sono o potranno essere consentiti ai sudditi o cittadini di qualunque altro Stato, subordinatamente alle anzidette leggi, ordinanze e regolamenti,

Una nave giapponese caricata in paese estero, con carico destinato a due o più porti degli Stati o possedimenti di Sua Maestà il Re d'Italia, ed una nave italiana caricata in paese estero, con carico destinato a due o più porti degli Stati o possedimenti di Sua Maestà l'Imperatore del Giappone, ha facoltà di lasciare una parte del suo carico in un porto e continuare il suo viaggio per un altro o altri porti di destinazione, nei quali sia permesso il commercio estero, allo scopo di sbarcare il resto del carico originario, subordinatamente sempre alle leggi ed ai regolamenti doganali dei due Paesi.

Il Governo giapponese consente ed accorda alle navi italiane, per tutta la durata del presente trattato, di portar carichi fra i porti aperti, esistenti nell'impero, eccetuatti quelli di Osaka-Niigata e Ebisu-minato.

Art. 12. — Qualunque nave da guerra o mercantile, di una delle Alte Parti contraenti, costretta dal cattivo tempo o da qualunque altro infortunio, a rifugiarsi nei porti dell'altra, potrà riparare le avarie, procurarsi le provviste necessarie e riprendere il mare senza pagare altri diritti, all'infuori di quelli che sarebbero pagati dalle navi nazionali.

Tuttavia, in caso che il padrone o proprietario o armatore di un bastimento mercantile, si trovasse obbligato a vendere parte del carico per sopperire alle spese, dovrà sottomettersi ai regolamenti e tariffe del luogo nel quale sarà approdato.

Se una nave da guerra o mercantile, di una delle Parti contraenti s'incagliasse o naufragasse sulle coste dell'altra, le autorità locali ne daranno avviso al Console generale, Console, Vice-Console o Agente consolare del distretto, ove è accaduto il sinistro; e, se non esistesse colà alcun ufficiale consolare, ne daranno avviso al Console generale, Console, Vice-console o Agente consolare del distretto più vicino.

Le operazioni relative al salvataggio delle navi giapponesi naufragate o gettate sulla costa o incagliate nelle acque territoriali di Sua Maestà il Re d'Italia saranno conformi alle leggi, ordinanze e regolamenti dell'Italia, e reciprocamente, tutti i provvedimenti del salvataggio relativi alle navi italiano naufragate o incagliate nelle acque territoriale di Sua Maestà l'Imperatore del Giappone avranno luogo conformemente alle leggi, ordinanze e regolamenti giapponesi.

Tali bastimenti o navi, arenati o naufragati, ed ogni loro parte, i mobili ed altre pertinenze, gli effetti e le merci salvate, compresi quelli che possano essere gettati in mare, e il loro prezzo se venduti, come pure le carte trovate a bordo di tali navi o bastimenti, saranno consegnate ai proprietarî, padroní, armatori o ai loro agenti quando siano da essi reclamati.

Se i proprietari od agenti non si trovano sul luogo, i detti oggetti saranno consegnati ai rispettivi Consoli generali, Consoli, Vice-Consoli ed Agenti consolari, quando vengano da loro richiesti entro il termine stabilito dalle leggi dal Paese; e tali ufficiali consolari, proprietarî o agenti pagheranno solo le spese occorse per la conservazione di tali proprietà, quelle di salvataggio e quelle altre solite a pagarsi dai bastimenti nazionali nei casi di naufragio.

I beni e le mercanzie salvati dal naufragio saranno esenti da ogni diritto di dogana, a meno che non vengano venduti per il consumo, nel qual caso pagheranno i diritti consueti.

Quando una nave o bastimento, appartenente a sudditi di una delle Parti contraenti, si è incagliato od è naufragato sul territorio dell'altra, i rispettivi Consoli generali, Consoli, Vice-Consoli o Agenti consolari, nel caso che il proprietario, armatore o altro loro agente non sia presente, saranno autorizzati a prestare la loro assistenza ufficiale per la necessaria protezione ai sudditi degli Stati rispettivi.

Lo stesso principio sarà applicato nel caso che, essendo presente il proprietario o armatore o altro agente esso richieda tale assistenza.

Art. 13. — Per gli scopi del presente trattato, saranno considerate, per rispetto alla nazionalità, navi giapponesi o italiane tutte quelle che saranno riconosciute giapponesi, secondo le leggi giapponesi, o navi italiane secondo le leggi italiane.

Art. 14. — I Consoli generali, Consoli, Vice-Consoli ed Agenti consolari di ciascuna delle Parti contraenti negli Stati e possedimenti dell'altra riceveranno dalle Autorità locali l'assistenza, che per legge potrà loro venire consentita per il ricupero dei disertori dalle navi dei Paesi rispettivi.

Resta stabilito che questa disposizione non è applicabile ai sudditi del Paese in cui la diserzione avviene.

Art. 15. — Le Alte Parti contraenti convengono che, per tutto ciò che riguarda il commercio e la navigazione, qualunque privilegio, favore o immunità, che una delle Parti contraenti accordi, o possa in seguito accordare al Governo, nave, sudditi o cittadini di qualunque altro Stato, sarà immediatamente e incondizionatamente esteso al Governo, nave, sudditi e cittadini dell'altra Parte, essendo loro intenzione che il commercio e la

navigazione dei due Stati siano, per ogni riguardo, regolati in base al trattamento della nazione più favorita.

Art. 16. — Ciascuna delle Alte Parti contraenti può nominare Consoli generali, Consoli, Vice-Consoli e Agenti consolari in tutti i porti, città e luoghi dell'altra, eccettuati quelli ove possa non convenire di riconoscere tali ufficiali.

Siffatta eccezione non potrà, in ogni modo, essere stabilita a favore di una delle Parti contraenti senza essere parimenti stabilita per tutte le altre Potenze.

I Consoli generali, Consoli, Více-Consoli ed Agenti consolari potranno esercitare tutte le funzioni e godere tutti i privilegi, esenzioni ed immunità, che siano o vengano in seguito, concessi ai funzionarî consolari della nazione più favorita.

Art. 17. — I sudditi di ciascuna delle Alte Parti contraenti avranno negli Stati e possedimenti dell'altra la medesima protezione dei nazionali, per ciò che concerne i brevetti, le marche di fabbrica, i disegni e modelli, purchè compiano le formalità prescritte dalla legge.

Art. 18. — Il Governo di S. M. il Re d'Italia, per quanto lo riguarda, consente al seguente accordo:

I diversi stabilimenti stranieri nel Giappone saranno incorporati nei rispettivi Comuni giapponesi e formeranno quindi parte del sistema municipale, in genere, del Giappone.

Le Autorità giapponesi competenti assumeranno, rispetto a detti stabilimenti, tutti i doveri ed obblighí municipali, e nel tempo stesso, ove essi posseggano in commune fondi o proprietà, queste passeranno alle dette Autorità giapponesi.

Quando avverrà tale incorporazione le esistenti enfiteusi in perpetuo, in forza delle quali è ora regolata la proprietà negli stabilimenti predetti, saranno confermate e non potranno essere imposte altre condizioni a riguardo di tale proprietà, all'infuori di quelle stabilite dai patti e concessioni in vigore.

Resta inteso, tuttavia, che le Autorità consolari, in essi nominate, saranno in tutti i casi surrogate dalle Autorità giapponesi.

I terreni che siano stati, in precedenza, accordati dal Governo giapponese a detti stabilimenti gratuitamente, a scopo pubblico, saranno, salvo il diritto preminente, mantenuti sempre esenti da qualunque tassa o peso, per il pubblico uso al quale furono riservati.

Art. 19. — Il presente trattato surrogherà, dal giorno in cui andrà in vigore, il trattato del 25 agosto 1866, corrispondente al sedicesimo giorno del settimo mese del secondo anno di Keiou, la convenzione addizionale della stessa data e gli accordi e stipulazioni sussidiarie esistenti fra le Alte Parti contraenti; e dallo stesso giorno, il detto trattato, convenzione, accordi e stipulazioni sussidiarie cesseranno d'aver vigore e cesserà per conseguenza la giurisdizione fino a quel momento esercitata dai tribunali italiani in Giappone, e tutti i privilegi eccezionali, esenzioni e immunità, godute dai sudditi italiani, come attenenti a tale giurisdizione cesseranno assolutamente senza avviso, o in seguito tale giurisdizione sarà assunta ed esercitata dai tribunali giapponesi.

Art. 20. — Il presente trattato non entrerà in vigore che al 16 luglio

1899, cioè il 16mo giorno del 7mo mese del 32mo anno di Meiji. Esso avrà effetto un anno dopo che il Governo di Sua Maestà l'Imperatore del Giappone avrà notificato al Governo di Sua Maestà il Re d'Italia il suo desiderio di vederlo posto in esecuzione.

Detta notificazione potrà essere fatta in qualunque momento dopo il 16 luglio 1898, cioè dopo il 16mo giorno del 7mo mese del 31mo anno di Meiji.

Questo trattato rimarrà in vigore per un periodo di 12 anni dal giorno in cui andrà in effetto.

Ognuna delle Alte Parti contraenti avrà il diritto di notificare all'altra la sua intenzione di porvi fine dopo che saranno trascorsi 11 anni dalla sua data e allo spirare di un anno dopo avvenuta la notificazione, il trattato cesserà di avere effetto.

Art. 21. — Il presente trattato è redatto in sei esemplari, cioè due in lingua italiana, due in lingua giapponese, due in lingua inglese; ed in caso di contestazione, la versione inglese sarà considerata come il testo originale del trattato.

Art. 22. — Il presente trattato sarà ratificato e le ratifiche saranno scambiate a Tokio al più presto possibile e in ogni caso non più tardi di sei mesi dalla data del medesimo.

In fede di che i Plenipotenziarî rispettivi l'hanno firmato e vi hanno apposto i loro sigilli.

Fatto a Roma, addì 1° dicembre 1894.

(L. S.) *A. Blanc.*
(L. S.) *Takahira Kogoro.*

Protocollo.

Il Governo di S. M. il Re d'Italia e il Governo di S. M. l'Imperatore del Giappone, ravvisando opportuno nell'interesse di entrambi i Paesi di regolare alcune questioni speciali di mutuo vantaggio, separatamente dal Trattato di commercio e navigazione firmato in questo giorno, si sono accordati per mezzo dei rispettivi Plenipotenziarî nelle seguenti stipulazione:

1. Si conviene fra le Parti contraenti che un mese dopo lo scambio delle ratifiche del Trattato di commercio e navigazione firmato oggi la tariffa d'importazione presentemente in vigore nel Giappone per i prodotti importati nell'Impero dai sudditi di S. M. il Re d'Italia cesserà di avere effetto. Nella stessa data la tariffa generale giapponese stabilita per legge e che avrà vigore al momento, sarà applicata ai detti prodotti dell'industria e del suolo, subordinatamente all' art. 19 del Trattato del 1866 attualmente in vigore fra i due Paesi per tutto il tempo della sua durata. poscia subordinatamente alle disposizioni degli articoli 5 e 15 del Trattato firmato oggi.

Rimane però inteso che qualora in pratica il regime della nazione più favorita, stipulato dal Trattato e dal Protocollo firmati oggi per ciò che concerne i dazî doganali venisse giudicato meno conveniente, i due Governi

si accorderanno per sostituirvi una tariffa convenzionale per quei prodotti, all'esportazione dei quali essi sono specialmente interessati.

Ma nulla di ciò che è contenuto nel presente Protocollo potrà limitare o derogare il diritto del Governo giapponese di proibire o restringere la importazione di droghe, medicine, cibi e bevande adulterate, di libri, stampe e litografie, carte, dipinti, incisioni, fotografie od altri oggetti osceni ed indecenti o di altri che violino le leggi esistenti nel Giappone in materia di brevetti, marche di fabbrica o proprietà letteraria o qualunque altro oggetto che per ragioni sanitarie, di pubblica sicurezza o di moralità possa essere in qualche modo pericoloso.

In tutti gli altri riguardi le disposizione del Trattato e convenzione esistenti continueranno ad aver vigore incondizionatamente fino al giorno in cui entri in effetto il Trattato di commercio e navigazione oggi firmato.

2. Il Governo giapponese, mentre il Giappone si verrà aprendo ai sudditi italiani, consente ad estendere l'attuale sistema di passaporti in modo che i sudditi italiani, presentando un certificato di raccomandazione del rappresentante italiano a Tokio, di qualunque Console italiano nei porti aperti del Giappone, possano a semplice loro richiesta, ottenere dal Ministero degli affari esteri in Tokio o dall'autorità superiore della Prefettura in cui è situato il porto aperto, passaporti validi in qualunque parte del paese e per qualunque periodo di tempo non eccedente i 12 mesi, restando inteso che continuano ad essere in vigore le norme e regolamenti ora esistenti per i sudditi italiani che visitano l'interno dell'Impero.

3. Il Governo giapponese, prima della cessazione della giurisdizione consolare italiana nel Giappone si obbliga di fare adesione alle convenzioni internazionali par la protezione della proprietà industriale e letteraria.

4. Il presente Protocolle è redatto in sei esemplari: due in lingua italiana, due in lingua giapponese, due in lingua inglese, rimanendo stabilito che in caso di contestazione la versione inglese sarà considerata come testo originale.

5. I Plenipotenziarî sottoscritti convengono che questo Protocollo sarà sottoposto alle due Alte Parti contraenti contemporaneamente al Trattato di commercio e navigazione firmato oggi, e quando il detto Trattato sarà ratificato si considereranno approvate anche le disposizioni contenute nel Protocollo, senza la necessità di altra formale ratifica.

Si conviene anche che il presente Protocollo cesserà di aver vigore simultaneamente al Trattato.

In fede di che i Plenipotenziarî rispettivi l'hanno firmato e vi hanno apposto i loro sigilli.

Roma, addì 1° dicembre 1894.

(L. S.) *A. Blanc.*
(L. S.) *Takahira Kogoro.*

Il Ministro del Giappone in Roma
Al R. Ministro degli affari esteri.

(Traduzione).

Roma, 1⁰ dicembre 1894.

Il sottoscritto inviato straordinario e ministro plenipotenziario di S. M. l'Imperatore del Giappone, in virtù di speciale autorizzazione del Governo di S. M. Imperiale, ha l'onore di partecipare al ministro degli affari esteri di S. M. il Re d'Italia, che il Governo giapponese, riconoscendo opportuno che i codici dell'impero già promulgati siano in vigore quando cesseranno di aver effetto le disposizioni del Trattato attualmente esistente fra i Governi del Giappone e d'Italia, s'impegna a non fare la notificazione prevista dall'art. 20 del Trattato di commercio e navigazione firmato oggi finchè non siano entrate in vigore le parti di quei codici che sono ora in sospeso.

Takahira Kogoro.

Il R. Ministro degli affari esteri
Al Ministro del Giappone in Roma.

Roma, 1⁰ dicembre 1894.

In relazione col paragrafo 2⁰, art. 1⁰ del Protocollo firmato oggi dall'Italia e dal Giappone concernente l'eventualità di dover sostituire per alcune voci di rispettivo speciale interesse una tariffa convenzionale al regime della clausola della nazione la piu favorita, il Governo italiano domanda, che rimanga inteso, che la proposta di sostituire per dette voci la tariffa convenzionale al regime della clausola della nazione più favorita possa esser fatta dalla parte interessata, a qualunque momento dal giorno in cui il protocollo sarà entrato in vigore; e che, se trascorsi sei mesi dal giorno in cui, fatta la proposta, la tariffa convenzionale non fosse stata conclusa, tanto per le importazioni italiane in Giappone quanto per le importazioni giapponesi in Italia s'applicheranno i dazi fissati dalle rispettive tariffe generali, rimanendo sospeso al riguardo il regime della nazione più favorita finchè la tariffa convenzionale non sia stata conclusa.

A. Blanc.

Il Ministro del Giappone in Roma.
Al R. Ministro degli affari esteri.

(Traduzione).

Roma, 1⁰ dicembre 1894.

In risposta alla nota del Governo italiano relativa all'eventualità di sostituire una tariffa convenzionale nel caso in cui l'applicazione del principio della nazione più favorita, per ciò che riguarda i dazi doganali, risultasse meno conveniente per rispetto a quei prodotti, alla cui esportazione ciascun paese è specialmente interessato, il Governo giapponese dà colla presente l'assicurazione che la sostituzione della tariffa convenzionale potrà essere proposta a qualunque momento dopo che il Protocollo sarà andato in vigore; e che nel caso in cui una tariffa convenzionale non abbia potuto

essere conchiusa entro sei mesi dalla fatta proposta, i dazi doganali sui prodotti importati da un paese nell'altro potranno essere percepiti secondo la tariffa generale allora in vigore in ciascuno Stato e l'applicazione della clausola della nazione più favorita, a questo riguardo, rimarrà sospesa finchè la tariffa convenzionale sia stata conclusa.

Takahira Kogoro.

116.

SUISSE, BADE.

Circulaire du Conseil fédéral à tous les États confédérés sur le mariage des ressortissants badois en Suisse du 8 décembre 1894.

Archives diplomatiques 1895.

Suisse, Circulaire du Conseil fédéral à tous les Etats confédérés sur le mariage des ressortissants badois en Suisse. Du 8 décembre 1894.

Fidèles et chers confédérés,

Conformément au désir exprimé par le ministère des affaires étrangères du grand-duché de Bade, nous avons l'honneur de porter à votre connaissance les faits suivants;

La convention du 4 juin 1886*), conclue entre la Suisse et l'Empire allemand, dans le but de faciliter le mariage des ressortissants d'un des deux pays domiciliés sur le territoire de l'autre (Rec. off., nouvelle série, IX, 92), stipule, à l'article 2, que les intéressés sont tenus, dans le cas où cela est prescrit dans leur pays d'origine ou dans l'endroit où se célèbre le mariage, de présenter une attestation de l'autorité compétente de leur pays constatant qu'aucun obstacle connu ne s'oppose, d'après le droit civil de leur patrie, à la célébration du mariage.

Or, il y a une prescription de ce genre pour les sujets badois qui veulent se marier en Suisse: c'est l'article 23, alinéa 2, combiné avec l'alinéa 3 de la loi badoise du 9 décembre 1875, sur l'exécution de la loi de l'Empire allemand du 6 février 1875, relative à la constatation de l'état des personnes et à la célébration du mariage, Aux termes de cette prescription, le fiancé badois est tenu de faire publier lui-même les promesses de son mariage dans le grand-duché de Bade et de rapporter, en même temps, la preuve que les conditions de mariage exigées par le droit civil allemand sont remplies. Le certificat délivré par l'officier de l'état-civil badois une fois les publications faites, certificat portant que, d'après le droit civil du grand-duché de Bade, aucun obstacle connu ne s'oppose à la célébration du mariage, représente, pour les ressortissants badois, l'attestation

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*) V. N. R. G. 2e série XIV, 331.

de l'autorité compétente du pays d'origine exigée par l'article 2 de la convention précitée.

Malheureusement, l'ordre de l'article 23, alinéa 2, de la loi badoise d'exécution précitée n'est pas observé et les cas où les sujets badois se marient en Suisse sans avoir fait publier, dans le grand-duché, les promesses de leur mariage, tendent à se multiplier dans les derniers temps. Si nous disons malheureusement, c'est que, en effet, tout mariage célébré sans tenir compte de cet article peut, à teneur de l'article 191 du code civil badois, être attaqué non-seulement par les intéressés, mais aussi par le ministère public, et que, vu les termes de l'article 6, lettre K, du même code, la différence qui distingue le droit suisse du droit badois en matière de mariage assure, dans nombre de cas, le succès à une action de ce genre.

A l'appui de ces faits, nous référons à nos circulaires des 12 juin 1884 et 21 décembre 1889, relatives aux mariages de sujets badois (F. féd. de 1884 III. 292) et allemands en Suisse (F. féd. de 1889, IV, 1066), ainsi qu'aux explications contenues dans le rapport de gestion de notre département de justice et police de 1890, chapitre état-civil et mariage, chiffre 11 (F. féd. de 1891, II. 407).

Nous ajouterons que, sous date du 29 octobre 1894, le ministère de la justice, de l'instruction publique et des cultes du grand-duché de Bade écrivait à la direction de l'intérieur du canton d'Argovie une note, de laquelle il ressort ce qui suit:

La simple publication (affichage) des promesses de mariage dont l'acte est dressé par l'officier de l'état-civil étranger ne suffit pas pour se conformer à l'article 23, alinéa 2, de la loi badoise d'exécution de la loi impériale sur la constatation de l'état des personnes et la célébration du mariage. Les prescriptions légales exigent, pour obtenir cette publication faite dans toutes les règles, que les intéressés eux-mêmes en fassent la demande expresse directement auprès l'officier d'état-civil badois compétent, en lui renouvelant lenr promesse de mariage réciproque.

Au reste, loin d'être autorisés à correspondre directement ayec les autorités publiques ou communales étrangères, les officiers d'état-civil badois en sont réduits à transmettre les demandes qui leur parviennent au tribunal compétent, qui prononce sur la suite qu'il convient de leur donner.

Enfin, les instructions pour les syndics du grand-duché prescrivent qu'en tout état de cause la demande de publier les promesses de marriage des ressortissants badois à l'étranger doit être refusée aussi longtemps que la formalité indiquée ci-dessus n'a pas été remplie.

Nous vous prions de vouloir bien prendre acte de ces faits et les porter, de la manière que vous jugerez utile, à la connaissance des offices d'état-civil de votre canton.

Nous saisissons cette occasion, fidèles et chers confédérés, pour vous recommander, ainsi que nous, à la protection divine.

Berne, le 8 décembre 1894.

117.

GRANDE-BRETAGNE, RÉPUBLIQUE DE L'AFRIQUE DU SUD.

Convention relative aux affaires de Swaziland, destinée à remplacer celles de 1890 et 1893; signée près de Charlestown et Volksrust le 10 décembre 1894.

Publication officielle communiquée à la rédaction du Recueil Martens par le Gouvernement de la République de l'Afrique du Sud.

Whereas Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, and His Honour the State President of the South African Republic, as representing the Government of the said Republic, have agreed that it is expedient that they should enter into a Convention relative to the affairs of Swazieland in substitution of the Conventions of 1890 and 1893,

Now, therefore, Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, and His Honour the State President of the South African Republic, as representing the Government of the said Republic, hereby consent and agree that the following articles, accepted finally by and between Her Majesty and His Honour, shall when duly signed, sealed and executed by Her Majesty's High Commissioner for South Africa, on behalf of Her Majesty, and by His Honour the State President of the South African Republic, on behalf of the Government of the said Republic, and when duly ratified by the Volksraad of the South African Republic, constitute and be a Convention by and between Her Majesty the Queen of the United Kingdom of Great Britain and Ireland and the South African Republic.

Art. 1. — The provisions of the Convention of 1890 shall be continued in full force and effect from and after the date of the signing of the Convention by His Excellency Sir Henry Brougham Loch, Her Majesty's High Commissioner, on behalf of Her Majesty, and His Honour Stephanus Johannes Paulus Kruger, State President of the South African Republic, on behalf of the Government of the South African Republic, until the date of ratification of this Convention by the Volksraad of the South African Republic, provided that should this Convention not be ratified before or during the next ordinary session of the said Volksraad, the provisions of the Convention of 1890 saving the provisions of articles 10 and 24 thereof, which shall remain in full force and effect, may at any time there after be terminated by one month's notice given either by Her Majesty's Government or the Government or the South African Republic, and thereupon at the expiration of the said month in accordance with the Convention of 1884, all the provisions relative thereto in the said Convention shall be of full force and effect and provided further that if at any time before the ratification in manner aforesaid the assent of the Swazie Queen

Regent and Council to the draft Organic Proclamation already agreed to by Her Majesty's Government and the Government of the South African Republic be duly signified, the Convention of November 1893 shall upon the signification of such assent be and remain of full force and effect subject to the terms af the said Organic Proclamation and this Convention shall not thereafter be ratified but shall be of no force and effect and the provisions of the Convention of 1890 shall no longer be of any force or effect, saving the provisions of articles 10 and 24 thereof, which shall remain of full force and effect.

Art. 2. — Without the incorporation of Swazieland into the South African Republic, the Government of the South African Republic shall have and be secured in all rights and powers and protection, legislation, jurisdiction and administration over Swazieland and the inhabitants thereof, subject to the following conditions and provisions, namely:

1. That the young King Ungwane, alias Uhili, alias Ubunu, after he has become of age according to native law shall be and remain the Paramount Chief of the Swazies in Swazieland, with the usual powers of such Paramount Chief in so far as the same are not inconsistent with civilised laws and customs.

2. That the payments by the Government of the South African Republic of monies, derived from the collection of the private revenue of the King, shall be regularly made in terms of concession or power of attorney, granted in that behalf by Umbandine and confirmed by the judgment of the Chief Court.

3. That the management of the internal affairs of the natives shall be in accordance with their own laws and customs, including the laws and customs of inheritance and succession and that the native laws and customs shall be administered by the native chiefs entitled to administer the same in such manner as they are in accordance with native laws and customs at present administering, in so far as the said laws and customs are not inconsistent with civilised laws and customs or with any law in force in Swazieland made pursuant to this Convention, and the natives are guaranteed in their continued use and occupation of land now in their possession and of all grazing or agricultural rights to which they are at present entitled: provided that no law made hereafter in Swazieland shall be in conflict with the guarantees given to the Swazies in this Convention.

4. That in the administration and government of the country by the Government of the South African Republic no hut-tax or other tax shall be imposed upon the natives higher than the corresponding tax to which such of the Swazie people as are living within the borders of the Republic may be subject. In no case, however, shall such taxes be able to be imposed until after the expiration of three years from the date of the ratification of this Convention.

Art. 3. — The Government of the South African Republic agrees to appoint an officer who shall administer Swazieland in terms of this Convention.

Art. 4. — The Government of the South African Republic agrees that the Chief Court heretofore established shall continue to exercise and possess

all the powers and jurisdiction hitherto exercised or possessed by it; the said Court shall also have such powers and jurisdiction as may be conferred upon it in accordance with article 2 of this Convention, subject to the conditions of the said article, with full power to decree against all persons, execution of every order, judgment, decree or sentence made by it in the exercise of its jurisdiction.

Art. 5. — The laws, ordinances, proclamations and regulations at present in force in Swazieland shall continue to be of full force and effect therein, until altered, amended or repealed in accordance with the terms of this Convention; and the power and jurisdiction heretofore exercised or possessed by Landdrost Courts and Justices of the Peace shall continue to be exercised and possessed by such Courts and such Justices of the Peace, respectively, unless and until other provision be made in accordance with the terms of this Convention.

Art. 6. — All Government officers appointed under and by virtue of the Convention of 1890 shall continue to hold and administer the offices to which they have been appointed, and shall be secured in the emoluments and fees of office at present enjoyed by them until the date of the ratification of this Convention, or until other provision be made in that behalf by Her Majesty's Government or the Government of the South African Republic, and thereupon all such appointments shall cease and determine; provided that on or after the date of ratification aforesaid the said officials or any of them may be reappointed to the said offices, or any of them in accordance with the terms of this Convention.

Art. 7. — All British subjects residing in Swazieland, or having in Swazieland any property, grant, privilege or concession or any right, title to, or interest in any property, grant, privilege or concession, shall be secured in the future enjoyment of all their rights and privileges of whatsoever nature or kind, in like manner as burghers of the South African Republic, but shall obey the Government and conform to the laws established for Swazieland.

Art. 8. — Every white male who shall have been a bona fide resident in Swazieland (even if temporarily absent from Swazieland) on the 20th April 1893, shall become and be entitled to all the political privileges of a full burgher of the South African Republic as though he had been born in that Republic, provided however:

a. That every white male shall make application in writing to an officer to be appointed at Bremersdorp in Swazieland by the Government of the said Republic, to have his name enrolled upon the list of persons, so entitled and upon satisfactory proof by a true and solemn declaration of his bona fide residence in Swazieland on the aforesaid day, such declaration to be made within six months from the date of public notification of the appointment of such officer as aforesaid, such officer shall be bound to enrol his name on such list and such list shall be the list of burghers of the South African Republic so admitted under this head of this article to the privileges aforesaid.

b. That every white son of any person admitted to the privileges of a burgher under the preceding paragraph of this article, which son shall

have been a minor on the aforesaid date, shall be entitled to the like political privileges which he would have had if his father had been a natural born burgher of that Republic and he himself had been born therein, provided that the right under this section shall be claimed by such minor from the Government of the South African Republic by notice in writing within twelve months from his attaining his majority.

c. That every person admitted as a burgher shall, while resident in Swazieland be entitled to register his vote at any election when and where a burgher resident in some convenient district of the South African Republic adjoining Swazieland would be entitled to vote such district to be determined by the Government of the South African Republic, and if thereafter he shall come to reside in any district of the South African Republic, such person shall there be entitled to register his vote.

Art. 9. — The equal rights of the Dutch and English languages in all Courts of Swazieland shall be maintained. This provision shall be in force so long as the administration of Swazieland by the Government of the South African Republic continues under the provisions of this Convention.

Art. 10. — The custom duties shall not be higher in respect of any article imported into Swazieland than the duty thereon according to the tariff at present in force in the South African Republic or the tariff at present in force in the South African Customs Union, whichever is now the higher. This provision, shall be in force so long as the administration of Swazieland by the Government of the South African Republic continues under the provision of this Convention. Every exclusive right or privilege of or belonging to any individual or individuals, corporation or company with regard to imposition of or exemption from customs duties on goods shall be liable to expropriation by the administering authority; provided that no such individual or individuals, corporation or company shall be deprived of or interfered with in the enjoyment of any such exclusive rights or privileges as have been confirmed by the Chief Court prior to the 8th November 1893, without due compensation being awarded. The amount of such compensation shall be assessed by means of arbitration in case of difference. Each party interested shall appoint an arbitrator and the said arbitrators shall before proceeding with the arbitration appoint an umpire: should the said arbitrators be unable to agree upon an umpire, such umpire shall on application of either party after notice to the other, be appointed by the Chief Court: the decision of the majority of the persons so appointed shall in case of difference be final.

Art. 11. — The Government of the South African Republic agrees to prohibit the sale or supply of intoxicating liquor to Swazie natives in Swazieland.

Art. 12. — No railway beyond the Eastern boundary of Swazieland shall be constructed by the Government of the South African Republic save under the provisions of a further contemplated Convention between Her Majesty the Queen and the South African Republic, or with the consent of Her Majesty's Government.

Art. 13. — Articles 10 and 24 of the Convention of 1890 are here again set forth for convenience of reference:

„Article 10. The Government of the South African Republic withdraws all claim to extend the territory of the Republic or to enter into treaties with any natives or native tribes to the North or North-West of the existing boundary of the Republic, and undertakes to aid and support by its favouring influence the establishment of order and government in those territories by the British South African Company within the limits of power and territory set forth in the Charter granted by Her Majesty to the said Company."

„Article 24. Her Majesty's Government consent to an alteration of the boundary of the South African Republic in the East, so as to include the territory known as the Litte Free State within the territory of the South African Republic."

Art. 14. — Her Majesty's Government reserves the power of exercising diplomatic representation in favour of Swazie natives or British subjects, in case any provision of this Convention shall not be fairly and faithfully observed.

Art. 15. — Her Majesty's Government reserves the right to appoint a British Consular Officer to reside in Swazieland.

Signed and sealed on the border of Natal and the South African Republic, near Charlestown and Volksrust, this 10th day of December 1894.

(W. S.) *Henry B. Loch,*
High Commissioner.

Signed and sealed on the border of Natal and the South African Republic, near Charlestown and Volksrust, this 10th day of December 1894.

(W. S.) *S. J. P. Kruger,*
State President of the South African Republic.

(W. S.) Dr. *W. J. Leyds,*
State Secretary S. A. R.

118.

NORVÈGE, RUSSIE.

Déclaration concernant le système de jaugeage des bâtiments de commerce; signée à St. Pétersbourg le 26/14 déc. 1894.*)

Overenskomster med fremmede Stater 1895, No. 1, Udgiver E. R. Bätzmann.

Déclaration.

Par suite des modifications apportées en Norvège par le Décret Royal du 14 Septembre 1893 au système de jaugeage des bâtiments de commerce,

*) Les déclarations ont été échangées à St. Pétersbourg le 26/14 décembre 1894.

les Soussignés, dûment autorisés par leurs Gouvernements, sont convenus que la Déclaration échangée le 8 Juin (27 Mai) 1882*), pour ce qui concerne la Norvège, sera rapportée et remplacée par une nouvelle Déclaration, dont la teneur est comme suit:

Art. 1. — Les navires Norvégiens jaugés d'après la méthode Moorsom seront admis dans les ports de l'Empire de Russie, ainsi que les navires Russes (y compris ceux du Grand-Duché de Finlande) dont le jaugeage aura été fait selon le même système, seront admis dans les ports de la Norvège sans être assujettis, pour le paiement des droits de navigation, à aucune nouvelle opération de jaugeage.

Ces droits de navigation seront calculés d'après le tonnage net.

Art. 2. — Les Règlements Norvégiens et Finlandais sur le jaugeage des navires étant en substance les mêmes, les certificats de jauge Norvégiens dans le Grand-Duché de Finlande et les certificats de jauge Finlandais en Norvège, seront reconnus sans aucune opération de jauge ou autre formalité quelconque; et le tonnage net de tous les navires Norvégiens ou Finlandais, inscrit sur les papiers de bord, sera reconnu dans les ports respectifs comme le tonnage actuel des bâtiments, sans qu'ils soient assujettis à un remesurage.

Art. 3. — Les dispositions du Règlement Norvégien ne s'accordant pas entièrement avec les dispositions Russes relativement au mode suivi pour déterminer les espaces destinés à l'équipage des navires, à la machine et aux soutes à charbon des bateaux à vapeur, les déductions à cet égard seront, pour les navires Norvégiens, abordant dans un port Russe, calculées d'après les chiffres indiqués dans les certificats de jauge en conformité du Règlement Russe, sanctionné le 20 Décembre (1 Janvier) 1879—1880 sans remesurage du navire.

Cette mesure sera applicable dans les ports Norvégiens aux navires Russes y abordant, si les capitaines des dits navires en expriment le désir et, dans ce cas, on se conformera aux dispositions du Règlement Norvégien.

Art. 4. — La présente Déclaration entrera en vigueur le 13/1 Janvier 1895.

En foi de quoi les Soussignés ont signé la présente Déclaration et l'ont munie du sceau de leurs armes.

Fait en double à St. Pétersbourg, le 26/14 Décembre 1894.

(L. S.) *L. Reuterskiöld.*
(L. S.) *Giers.*

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*) V. **N. R. G.** 2e série IX, 680.

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